

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1020
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Criminal Justice
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Electronic monitoring devices are integral tools utilized to increase public safety and promote accountability upon the release of individuals charged with, or convicted of, a crime.

When these individuals remove, disable, or destroy an ankle monitor, or violate other conditions of their release, it creates a potential public safety risk.

S.B. 1020 requires a personal bond pretrial release office to maintain and update records of individuals released on personal bonds, including any failures to appear in court or compliance issues, including tampering with electronic monitoring devices. This information must be shared with the prosecutor and the accused person's attorney.

The bill requires a personal bond office to notify the relevant court within 48 hours of becoming aware that a defendant violated a condition of release related to an electronic monitoring device.

Additionally, the bill requires that a supervision officer, within 48 hours of becoming aware of a violation of a condition of community supervision related to an electronic monitoring device, notify the judge of the violation.

Lastly, the bill clarifies that electronic monitoring device information does not fall under the umbrella of "judicial work product" to ensure this information is accessible.

The committee substitute changes the notification requirement to mandate immediate reporting upon a reasonable belief that a violation has occurred.

Additionally, the committee substitute clarifies that the notification must be made to the court or magistrate with jurisdiction over the case.

The committee substitute grants community supervision and corrections departments the authority to share the location information of a violating individual with law enforcement.

Lastly, the committee substitute expands the notification requirements to include individuals released on a cash bond.

C.S.S.B. 1020 amends current law relating to personal bond offices, to the notification provided to a judge regarding tampering with an electronic monitoring device while released on bond or community supervision, and to the availability of certain information regarding a person required to submit to an electronic monitoring program or being supervised by a community supervision and corrections department.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 5(a) and (b), Article 17.42, Code of Criminal Procedure, as follows:

(a) Requires a personal bond pretrial release office established under Article 17.42 (Personal Bond Office) to take certain actions, including submitting a copy of the record containing information about any accused person identified by case number only who, after review by the officer, is released by a court on personal bond before sentencing in a pending case to the attorney representing the state and the accused person's attorney and, as applicable based on whether the accused person violated a condition of release on bond in the preceding month, an update to that record. Makes nonsubstantive changes.

(b) Requires the office, in preparing a record under Subsection (a), to include in the record certain statements, including a statement of whether the person has failed to comply with conditions of release on personal bond, including failing to comply by tampering with an electronic monitoring device.

SECTION 2. Amends Chapter 17, Code of Criminal Procedure, by adding Article 17.431, as follows:

Art. 17.431. NOTIFICATION BY PERSONAL BOND OFFICE REGARDING ELECTRONIC MONITORING DEVICE VIOLATION. Requires a personal bond office established under Article 17.42, immediately after the personal bond office determines there is reasonable cause to believe that a defendant supervised by the office has violated a condition of release on bond related to an electronic monitoring device, including a global positioning monitoring system as defined by Article 17.49, to notify the court or magistrate having jurisdiction over the case.

SECTION 3. Amends Chapter 17, Code of Criminal Procedure, by adding Article 17.442, as follows:

Art. 17.442. NOTIFICATION BY AGENCY SUPERVISING DEFENDANT REGARDING ELECTRONIC MONITORING DEVICE VIOLATION. Requires an agency designated by the magistrate to supervise a defendant's release on bond, other than personal bond, immediately after the agency determines there is reasonable cause to believe that the defendant has violated a condition of release on bond related to an electronic monitoring device, including a global positioning monitoring system as defined by Article 17.49, to notify the court or magistrate having jurisdiction over the case.

SECTION 4. Amends Subchapter P, Chapter 42A, Code of Criminal Procedure, by adding Article 42A.7515, as follows:

Art. 42A.7515. NOTIFICATION BY SUPERVISION OFFICER REGARDING ELECTRONIC MONITORING DEVICE VIOLATION. Requires a supervision officer, immediately after the supervision officer determines there is reasonable cause to believe that a defendant supervised by the officer has violated a condition of community supervision related to an electronic monitoring device, including a global positioning monitoring system as defined by Article 17.49, to notify the judge of that violation.

SECTION 5. Amends Section 21.013(a)(1), Government Code, to redefine "judicial work product."

SECTION 6. Amends Section 76.019, Government Code, by adding Subsection (c), as follows:

(c) Authorizes a department to release data or information, including electronic monitoring data, reporting dates, contact information, family and collateral contacts, and addresses, related to the location of a person who is supervised by the department to law enforcement or the office of the attorney representing the state for the purpose of locating the person or serving a warrant.

SECTION 7. Makes application of Articles 17.431, 17.442, and 42A.7515, Code of Criminal Procedure, as added by this Act, prospective.

SECTION 8. Effective date: September 1, 2025.