

BILL ANALYSIS

Senate Research Center
89R5019 LHC-F

S.B. 1047
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Criminal Justice
2/4/2025
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2021, the legislature passed S.B. 6 addressing the release practices surrounding habitual and violent offenders and aiming to better protect the safety of victims, law enforcement, and our communities. Particularly, S.B. 6 created a portal for judges to spontaneously view a defendant's entire personal criminal history when making a bail determination.

Now that there has been operational experience with the system, cleanup language is needed to clarify jurisdictional authority, ensure that the new systems are running efficiently, and further increase the safety of our communities by giving judges the information they need.

SUMMARY:

S.B. 1047 amends the law to allow for an enhancement to the Public Safety Report System (PSRS) to flag defendants with protective orders, if they are out on probation, parole, or mandatory supervision, and any outstanding warrants for the defendant's arrest.

- Currently, the PSRS produces a public safety report that summarizes the defendant's criminal history, if available, and alerts magistrates if the individual is ineligible for a personal bond.

The bill also requires the Office of Court Administration of the Texas Judicial System (OCA) to offer counties the option to integrate their jail records management systems and case management systems with the PSRS at no charge to the county.

The bill expands the dispersion of the PSRS to include prosecutors and clerks so that these individuals also have access.

In the case of a blue warrant, the bill certifies that the PSRS can be used for setting bail for a defendant who is not in custody at the time the report is ordered.

When an individual commits a subsequent offense in the same county, the bill clarifies that the defendant must go before the judge in the original case for purposes of setting a new bond and reevaluating the initial bond.

S.B. 1047 directs the local administrative judge of the applicable judicial region to identify a single point of contact for the purposes of receiving electronic notices under Article 17.027 of the Texas Code of Criminal Procedure when the secondary offense is committed in another county.

- That person would be responsible for notifying the appropriate judicial officer, along with the prosecutor and defense attorney from the defendant's original case. Prosecutorial notification would allow prosecutors to prioritize indictment, identify prolific offenders, and pursue changes or revocation of the original bond.
- The notification of the offense is still required by the county in which the arrest is made.

- This information would be included on criminal history and warrant documents, and therefore, also be available on the PSRS.
- The bill clarifies that a notification from a judge to a prosecutor is not considered "ex parte" communication.

In order to clarify jurisdictional authority on pending cases, the bill certifies a district judge's ability to alter a bond set by a magistrate at the request of the defendant or the attorney representing the state.

The bill clarifies that a person who releases someone on bail under the authority of a standing order must also complete a bail form through the PSRS.

Lastly, upon recommendations from OCA, the bill enhances notifications to victims of family violence to ensure that their voice in bail decisions is heard by modifying the notice requirements, which are distributed by law enforcement.

As proposed, S.B. 1047 amends current law relating to the release of defendants on bail, the duties of a magistrate in certain criminal proceedings, and the notice provided by peace officers to victims of family violence, stalking, harassment, or terroristic threat.

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 Article 17.021, Code of Criminal Procedure, by amending Subsection (b) and adding Subsection (h), as follows:

(b) Requires that the public safety report system:

(1)-(4) makes no changes to these subdivisions;

(5) provide, in summary form, the criminal history of the defendant, including information regarding:

(A) makes a nonsubstantive change to this subdivision;

(B) any pending charges, including whether the defendant is currently released on bail or other pretrial release and any conditions of that release;

(C)-(E) makes nonsubstantive changes to these subdivisions;

(F) whether the defendant is currently on community supervision, parole, or mandatory supervision for an offense;

(G) any outstanding warrants for the defendant's arrest, including a warrant issued under Article 42A.751 (Violation of Conditions of Community Supervision; Detention and Hearing) of this code or Section 508.251 (Issuance of Warrant or Summons), Government Code; and

(H) any current or previous protective orders, as defined by Section 72.151 (Definitions), Government Code, for which the defendant is the subject; and

Makes a nonsubstantive change.

(6) makes no changes to this subdivision.

(h) Requires the Office of Court Administration of the Texas Judicial System, without cost to the county, to allow a county to integrate with the public safety report system the jail records management system and case management system used by the county.

SECTION 2. Amends Article 17.022, Code of Criminal Procedure, by amending Subsection (a) and adding Subsection (g), as follows:

(a) Requires a magistrate considering the release on bail of a defendant charged with an offense punishable as a Class B misdemeanor or any higher category of offense to order that the public safety report prepared under Subdivision (1) be provided, as soon as practicable but not later than 48 hours after the defendant's arrest, to the magistrate, the attorney representing the state, and the clerk of the court in which the case is pending. Deletes existing text providing that the public safety report prepared under Subdivision (1) is to be provided to the magistrate as soon as practicable but not later than 48 hours after the defendant's arrest.

(g) Authorizes a magistrate, in the manner described by this article, to order, prepare, or consider a public safety report in setting bail for a defendant who is not in custody at the time the report is ordered, prepared, or considered.

SECTION 3. Amends Article 17.027, Code of Criminal Procedure, by amending Subsection (a) and adding Subsections (a-1), (c), and (d), as follows:

(a) Provides that, notwithstanding any other law:

(1) makes no changes to this subdivision; and

(2) if a defendant is charged with committing an offense punishable as a felony while released on bail for another pending offense punishable as a felony and the subsequent offense was committed in a different county than the previous offense, electronic notice of the charge is required be given to the individual designated to receive electronic notices for the county in which the previous offense was committed, not later than the next business day after the date the defendant is charged, for purposes of the court specified by Subdivision (1) (relating to authorizing a defendant who is charged with committing an offense punishable as a felony while released on bail in a pending case for another offense punishable as a felony and the subsequent offense was committed in the same county as the previous offense to be released on bail only by certain courts), determining whether any bail conditions were violated or taking any other applicable action such as an action described by Subsection (a-1), rather than requiring that notice be promptly given to the court specified by Subdivision (1) for purposes of reevaluating the bail decision. Makes a nonsubstantive change.

(a-1) Requires the court before which a case for a previous offense is pending, if a defendant is charged with committing an offense punishable as a felony while released on bail in a pending case for another offense punishable as a felony, to consider whether to revoke or modify the terms of the previous bond or to otherwise reevaluate the previous bail decision.

(c) Requires the local administrative district judge for each county to designate an individual to receive electronic notices under Subsection (a)(2). Requires the county to ensure that the name and contact information of the individual designated to receive notices under this subsection are provided on all criminal history and warrant documents issued by the county and included in the public safety report system developed under Article 17.021.

(d) Requires an individual designated under Subsection (c) who receives an electronic notice under Subsection (a) to promptly provide the notice to the court specified by Subsection (a)(1) and to the attorney representing the state and the defendant's attorney in

the pending case for the offense for which the defendant was initially released on bail. Provides that a notice provided under this subsection does not constitute an ex parte communication.

SECTION 4. Amends Chapter 17, Code of Criminal Procedure, by adding Article 17.029, as follows:

Art. 17.029. REVIEW OF BAIL DECISION. (a) Provides that this article applies only to a magistrate of a court that does not have jurisdiction to try the offense with which the defendant is charged.

(b) Requires a magistrate, except as provided by Subsection (f), as soon as practicable but not later than the next business day after the date a magistrate described by Subsection (a) issues an order under Article 17.028(a) (relating to requiring a magistrate to order that the defendant be granted or denied bail) for a defendant who is charged with an offense punishable as a Class B misdemeanor or any higher category of offense, to send certain documents to the clerk of each court in the county with jurisdiction to try the offense.

(c) Authorizes the documents described by Subsection (b) to be sent by any method that ensures transmission of a duplicate of the original, including secure facsimile transmission or other secure electronic means.

(d) Authorizes an order described by Subsection (b) to, at the request of the defendant or the attorney representing the state, be reviewed and modified by certain courts.

(e) Requires a court reviewing a bail decision under Subsection (d) to comply with Article 17.09 (Duration; Original and Subsequent Proceedings; New Bail) and requires the court to consider the facts presented and the rules established by Article 17.15(a) (relating to providing that the amount of bail and any conditions of bail to be required in any case in which the defendant has been arrested are to be regulated by the court, judge, magistrate, or officer taking the bail and are governed by the Constitution and certain rules) in setting the defendant's bail.

(f) Provides that a magistrate is not required to transmit the order and information as described by Subsection (b) if the commissioners court of the county has adopted an alternative procedure to provide for the review of a bail decision issued by a magistrate of a court that does not have jurisdiction to try the offense with which the defendant is charged.

SECTION 5. Amends Section 72.038, Government Code, by adding Subsection (b-1) to require a person who releases a defendant on bail under the authority of a standing order related to bail to complete the form required under Section 72.038 (Bail Form).

SECTION 6. Amends Section 51A.003(b), Human Resources Code, as follows:

(b) Requires that the notice adopted under Section 51A.003 (Notice to Victims) include in both English and Spanish, information regarding the legal rights of a victim, including information regarding the ability of the victim to provide information to the local prosecutor that will be helpful to a magistrate setting bail if the person committing the offense is arrested. Makes nonsubstantive changes.

SECTION 7. Makes application of this Act prospective.

SECTION 8. Effective date: September 1, 2025.