

BILL ANALYSIS

S.B. 3073
By: Huffman
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In 2021, the Texas Legislature passed S.B. 6, the Damon Allen Act, which addressed the release of defendants charged with violent offenses or certain subsequent offenses, among other changes. The bill sponsor has informed the committee that since the implementation of that legislation, victims' rights advocates, law enforcement, and other legislators have sought to change the duties of magistrates in bail proceedings. S.B. 3073 seeks to implement this change by requiring magistrates to enter written findings within 24 hours of making a determination that there is no probable cause that a person committed the offense for which the person was arrested.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 3073 amends the Code of Criminal Procedure to require a magistrate, not later than 24 hours after the time the magistrate determines that no probable cause exists to believe that a person committed the offense for which the person was arrested, to enter in the record written findings to support that finding.

S.B. 3073 applies only to an offense committed on or after the bill's effective date. An offense committed before that date is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For these purposes, an offense was committed before the bill's effective date if any element of the offense occurred before that date.

EFFECTIVE DATE

September 1, 2025.