

By: Huffman, et al.

S.B. No. 9

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the release of defendants on bail, the duties of a
3 magistrate in certain criminal proceedings, the regulation of
4 charitable bail organizations, pretrial intervention programs, and
5 the notice provided by peace officers to victims of family
6 violence, stalking, harassment, or terroristic threat.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

8 SECTION 1. Article 15.17, Code of Criminal Procedure, is
9 amended by adding Subsection (h) to read as follows:

10 (h) Not later than 24 hours after the time a magistrate
11 determines that no probable cause exists to believe that a person
12 committed the offense for which the person was arrested, the
13 magistrate shall enter in the record written findings to support
14 that finding.

15 SECTION 2. Chapter 16, Code of Criminal Procedure, is
16 amended by adding Article 16.24 to read as follows:

17 Art. 16.24. REPORTING OF CONDITIONS OF PRETRIAL
18 INTERVENTION PROGRAM. (a) As soon as practicable but not later
19 than the next business day after the date a defendant enters a
20 pretrial intervention program, the attorney representing the state
21 shall send a copy of the conditions of the program to the sheriff in
22 the county in which the defendant resides.

23 (b) A sheriff who receives a copy of the conditions of a
24 program under Subsection (a), or the sheriff's designee, shall, as

1 soon as practicable but not later than the 10th day after the date
2 the copy is received, enter information relating to the conditions
3 into the appropriate database of the statewide law enforcement
4 information system maintained by the Department of Public Safety or
5 modify or remove information, as appropriate.

6 SECTION 3. Article 17.021, Code of Criminal Procedure, is
7 amended by amending Subsection (b) and adding Subsections (c-1),
8 (h), (h-1), and (i) to read as follows:

9 (b) The public safety report system must:

10 (1) state the requirements for setting bail under
11 Article 17.15 and list each factor provided by Article 17.15(a);

12 (2) provide the defendant's name and date of birth or,
13 if impracticable, other identifying information, the cause number
14 of the case, if available, and the offense for which the defendant
15 was arrested;

16 (3) provide information on the eligibility of the
17 defendant for a personal bond;

18 (4) provide information regarding the applicability
19 of any required or discretionary bond conditions;

20 (5) provide, in summary form, the criminal history of
21 the defendant, including information regarding [~~any~~]:

22 (A) previous misdemeanor convictions or felony
23 convictions;

24 (B) any pending charges, including whether the
25 defendant is currently released on bail or participating in a
26 pretrial intervention program and any conditions of that release or
27 participation;

1 (C) any previous sentences imposing a term of
2 confinement;

3 (D) any previous convictions or pending charges
4 for:

5 (i) offenses that are offenses involving
6 violence as defined by Article 17.03; or

7 (ii) offenses involving violence directed
8 against a peace officer; ~~and~~

9 (E) any previous failures of the defendant to
10 appear in court following release on bail;

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

14 (G) outstanding warrants for the defendant's
15 arrest that have been entered into the National Crime Information
16 Center database or the Texas Crime Information System established
17 under Section 411.0541, Government Code, including a warrant issued
18 under Article 42A.751 of this code or Section 508.251, Government
19 Code; and

20 (H) any current protective orders, as defined by
21 Section 72.151, Government Code, for which the defendant is the
22 subject; and

23 (6) be designed to collect and maintain the
24 information provided on a bail form submitted under Section 72.038,
25 Government Code.

26 (c-1) On request by an attorney representing the state, the
27 office shall provide to the attorney access to the public safety

1 report system for the purpose of allowing the attorney to access a
2 bail form submitted to the office under Section 72.038, Government
3 Code.

4 (h) The public safety report system must be configured to
5 allow a county to integrate with the public safety report system the
6 jail records management system and case management system used by
7 the county.

8 (h-1) The office may provide grants to reimburse counties
9 for costs related to integrating the systems described by
10 Subsection (h). The office is not required to provide a grant under
11 this subsection unless the office is appropriated money for that
12 purpose. This subsection expires August 31, 2027.

13 (i) The office may modify the public safety report system to
14 incorporate technological advances to the system's features
15 regarding notices and to any other processes the office determines
16 will enhance the system's availability to protect the public.

17 SECTION 4. Article 17.022, Code of Criminal Procedure, is
18 amended by adding Subsection (g) to read as follows:

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

23 SECTION 5. The heading to Article 17.027, Code of Criminal
24 Procedure, is amended to read as follows:

25 Art. 17.027. RELEASE ON BAIL OF DEFENDANT CHARGED WITH
26 FELONY OFFENSE [~~COMMITTED WHILE ON BAIL~~].

27 SECTION 6. Article 17.027, Code of Criminal Procedure, is

1 amended by amending Subsection (a) and adding Subsections (a-1),
2 (a-2), (c), and (d) to read as follows:

3 (a) Notwithstanding any other law:

4 (1) if a defendant is charged with committing an
5 offense punishable as a felony while released on bail in a pending
6 case for another offense punishable as a felony and the subsequent
7 offense was committed in the same county as the previous offense,
8 the defendant may be released on bail only by:

9 (A) the court before whom the case for the
10 previous offense is pending; or

11 (B) another court designated in writing by the
12 court described by Paragraph (A); and

13 (2) if a defendant is charged with committing an
14 offense punishable as a felony while released on bail for another
15 pending offense punishable as a felony and the subsequent offense
16 was committed in a different county than the previous offense,
17 electronic notice of the charge must be ~~[promptly]~~ given to the
18 individual designated to receive electronic notices for the county
19 in which the previous offense was committed, not later than the next
20 business day after the date the defendant is charged, for purposes
21 of the court specified by Subdivision (1) [~~for purposes of~~
22 reevaluating the bail decision,] determining whether any bail
23 conditions were violated[7] or taking any other applicable action
24 such as an action described by Subsection (a-1).

25 (a-1) If a defendant is charged with committing an offense
26 punishable as a felony while released on bail in a pending case for
27 another offense punishable as a felony, the court before which the

1 case for the previous offense is pending shall consider whether to
2 revoke or modify the terms of the previous bond or to otherwise
3 reevaluate the previous bail decision.

4 (a-2) A magistrate appointed under Chapter 54, Government
5 Code, may not release on bail a defendant who:

6 (1) is charged with committing an offense punishable
7 as a felony if the defendant:

8 (A) was on parole or community supervision at the
9 time of the offense;

10 (B) has previously been finally convicted of two
11 or more offenses punishable as a felony and for which the defendant
12 was imprisoned in the Texas Department of Criminal Justice; or

13 (C) is subject to an immigration detainer issued
14 by United States Immigration and Customs Enforcement; or

15 (2) is charged with committing an offense under the
16 following provisions of the Penal Code:

17 (A) Section 19.02 (murder);

18 (B) Section 19.03 (capital murder);

19 (C) Section 20.04 (aggravated kidnapping);

20 (D) Section 22.02 (aggravated assault); or

21 (E) Section 22.021 (aggravated sexual assault).

22 (c) The local administrative district judge for each county
23 shall designate an individual to receive electronic notices under
24 Subsection (a)(2). The county shall ensure that the name and
25 contact information of the individual designated to receive notices
26 under this subsection are included in the public safety report
27 system developed under Article 17.021.

1 (d) An individual designated under Subsection (c) who
2 receives an electronic notice under Subsection (a) shall promptly
3 provide the notice to the court specified by Subsection (a)(1) and
4 to the attorney representing the state and the defendant's
5 attorney, if known, in the pending case for the offense for which
6 the defendant was initially released on bail. A notice provided
7 under this subsection does not constitute an ex parte
8 communication.

9 SECTION 7. Chapter 17, Code of Criminal Procedure, is
10 amended by adding Article 17.029 to read as follows:

11 Art. 17.029. REVIEW OF BAIL DECISION. (a) This article
12 applies only to a bail decision:

13 (1) regarding a defendant charged with or arrested for
14 an offense punishable as a felony; and

15 (2) that was made under Article 17.028 by the
16 magistrate of a court that does not have jurisdiction to try the
17 offense with which the defendant is charged.

18 (b) Notwithstanding any other law, a district judge in any
19 county in which the offense for which the person was arrested will
20 be tried or in any county in which the charge for that offense will
21 be filed has jurisdiction to modify a bail decision to which this
22 article applies, regardless of whether the defendant has been
23 previously indicted or an information has been previously filed for
24 the offense for which the defendant was arrested.

25 (c) The local administrative judge for each county shall
26 establish a procedure for the district clerk to notify the district
27 judges in the county that the district clerk received a request to

1 review a bail decision under this article.

2 (d) A district judge must review a bail decision as soon as
3 practicable but not later than the next business day after the date
4 a request to review the bail decision is filed with the district
5 clerk by an attorney representing the state.

6 (e) A district judge reviewing a bail decision under this
7 article shall comply with Article 17.09 and shall consider the
8 facts presented and the rules established by Article 17.15(a) in
9 setting the defendant's bail.

10 (f) If a district judge modifies a bail decision under this
11 article to increase the amount of bail or to require additional
12 conditions of bail for a defendant who is not in custody, the judge
13 shall:

14 (1) issue a summons for the defendant to appear before
15 the judge; and

16 (2) give the defendant a reasonable opportunity to
17 appear before issuing a warrant for the defendant's arrest.

18 SECTION 8. Article 17.03(b-2), Code of Criminal Procedure,
19 is amended to read as follows:

20 (b-2) Except as provided by Articles 15.21, 17.032, 17.033,
21 and 17.151, a defendant may not be released on personal bond if the
22 defendant:

23 (1) is charged with:

24 (A) an offense involving violence; or

25 (B) an offense under:

26 (i) Section 19.02(b)(4), Penal Code (murder
27 as a result of manufacture or delivery of a controlled substance in

1 Penalty Group 1-B);

2 (ii) Section 22.07, Penal Code (terroristic
3 threat);

4 (iii) Section 25.07, Penal Code (violation
5 of certain court orders or conditions of bond in a family violence,
6 child abuse or neglect, sexual assault or abuse, indecent assault,
7 stalking, or trafficking case); or

8 (iv) Section 46.04(a), Penal Code (unlawful
9 possession of firearm); or

10 (2) while released on bail or community supervision
11 for an offense involving violence, is charged with committing:

12 (A) any offense punishable as a felony; or

13 (B) an offense under the following provisions of
14 the Penal Code:

15 (i) Section 22.01(a)(1) (assault);

16 (ii) Section 22.05 (deadly conduct); or

17 ~~(iii) [Section 22.07 (terroristic threat);~~

18 ~~or~~

19 ~~[(iv)]~~ Section 42.01(a)(7) or (8)
20 (disorderly conduct involving firearm).

21 SECTION 9. Articles 17.071(a), (f), (h), and (k), Code of
22 Criminal Procedure, are amended to read as follows:

23 (a) In this article:

24 (1) "Charitable~~[,—"charitable]~~ bail organization"

25 means a person who accepts and uses donations from the public to
26 deposit money with a court in the amount of a defendant's bail bond.

27 The term does not include:

1 (A) [~~(1)~~] a person accepting donations with
2 respect to a defendant who is a member of the person's family, as
3 determined under Section 71.003, Family Code; or

4 (B) [~~(2)~~] a nonprofit corporation organized for
5 a religious purpose.

6 (2) "Office" means the Office of Court Administration
7 of the Texas Judicial System.

8 (f) Not later than the 10th day of each month, a charitable
9 bail organization shall submit to the office [~~, to the sheriff of~~
10 ~~each county in which the organization files an affidavit under~~
11 ~~Subsection (e),~~] a report that includes the following information
12 for each defendant for whom the organization paid a bail bond in the
13 preceding calendar month:

14 (1) the name of the defendant;

15 (2) the cause number of the case;

16 (3) each charge for which the bond was paid;

17 (4) the amount of the bond paid;

18 (5) the county in which the applicable charge is
19 pending, if different from the county in which the bond was paid;

20 (6) [~~and~~

21 ~~(4)] any dates on which the defendant has failed to~~
22 appear in court as required for the charge for which the bond was
23 paid; and

24 (7) whether a bond forfeiture has occurred in
25 connection with the charge for which the bond was paid.

26 (h) If the office has reason to believe that a charitable
27 bail organization may have paid one or more bonds in violation of

1 this article, the office shall report that information to the
2 sheriff of the county in which the suspected violation occurred.
3 The sheriff of that [a] county may suspend a charitable bail
4 organization from paying bail bonds in the county for a period not
5 to exceed one year if the sheriff determines the organization has
6 paid one or more bonds in violation of this article and the
7 organization has received a warning from the sheriff in the
8 preceding 12-month period for another payment of bond made in
9 violation of this article. The sheriff shall report the suspension
10 to the office [~~Office of Court Administration of the Texas Judicial~~
11 ~~System~~].

12 (k) Not later than December 1 of each year, the office
13 [~~Office of Court Administration of the Texas Judicial System~~] shall
14 prepare and submit, to the governor, lieutenant governor, speaker
15 of the house of representatives, and presiding officers of the
16 standing committees of each house of the legislature with primary
17 jurisdiction over the judiciary, a report regarding the information
18 submitted to the office under Subsections (f) [~~(f-1)~~] and (h) for
19 the preceding state fiscal year.

20 SECTION 10. Section 3, Article 17.09, Code of Criminal
21 Procedure, is amended to read as follows:

22 Sec. 3. Provided that whenever, during the course of the
23 action, and regardless of whether the defendant has been previously
24 released under Article 17.151, the judge or magistrate in whose
25 court such action is pending finds that the bond is defective,
26 excessive or insufficient in amount, or that the sureties, if any,
27 are not acceptable, or for any other good and sufficient cause, such

1 judge or magistrate may, either in term-time or in vacation, order
2 the accused to be rearrested, and require the accused to give
3 another bond in such amount as the judge or magistrate may deem
4 proper. When such bond is so given and approved, the defendant
5 shall be released from custody.

6 SECTION 11. Chapter 17, Code of Criminal Procedure, is
7 amended by adding Article 17.092 to read as follows:

8 Art. 17.092. MODIFICATION OF BOND. A magistrate described
9 by Articles 2A.151(5)-(14) may not modify the amount or conditions
10 of bond set by the judge of a district court, including the judge of
11 a district court in another county.

12 SECTION 12. Article 17.21, Code of Criminal Procedure, is
13 amended to read as follows:

14 Art. 17.21. BAIL IN FELONY. (a) In cases of felony, when
15 the accused is in custody of the sheriff or other officer, and the
16 court before which the prosecution is pending is in session in the
17 county where the accused is in custody, the court shall fix the
18 amount of bail, if it is aailable case and determine if the
19 accused is eligible for a personal bond; and the sheriff or other
20 peace officer, unless it be the police of a city, or a jailer
21 licensed under Chapter 1701, Occupations Code, is authorized to
22 take a bail bond of the accused in the amount as fixed by the court,
23 to be approved by such officer taking the same, and will thereupon
24 discharge the accused from custody. The defendant and the
25 defendant's sureties are not required to appear in court.

26 (b) Notwithstanding Subsection (a), a magistrate may not
27 release on bail a defendant charged with an offense punishable as a

1 felony unless:

2 (1) the defendant has appeared before the magistrate;

3 and

4 (2) the magistrate has considered the public safety
5 report prepared under Article 17.022 for the defendant.

6 SECTION 13. Article 42.01, Code of Criminal Procedure, is
7 amended by adding Section 17 to read as follows:

8 Sec. 17. In addition to the information described by
9 Section 1, the judgment must reflect affirmative findings entered
10 pursuant to Article 42.0195.

11 SECTION 14. Chapter 42, Code of Criminal Procedure, is
12 amended by adding Article 42.0195 to read as follows:

13 Art. 42.0195. FINDING REGARDING FAILURE TO APPEAR. In the
14 trial of an offense, the judge shall make an affirmative finding of
15 fact and enter the affirmative finding in the judgment in the case
16 if the judge determines that the defendant engaged in conduct
17 constituting an offense under Section 38.10(a), Penal Code, after
18 the defendant was released from custody for the offense for which
19 the defendant was tried.

20 SECTION 15. Articles 44.01(a) and (g), Code of Criminal
21 Procedure, are amended to read as follows:

22 (a) The state is entitled to appeal an order of a court in a
23 criminal case if the order:

24 (1) dismisses an indictment, information, or
25 complaint or any portion of an indictment, information, or
26 complaint;

27 (2) arrests or modifies a judgment;

1 (3) grants a new trial;
2 (4) sustains a claim of former jeopardy;
3 (5) grants a motion to suppress evidence, a
4 confession, or an admission, if jeopardy has not attached in the
5 case and if the prosecuting attorney certifies to the trial court
6 that the appeal is not taken for the purpose of delay and that the
7 evidence, confession, or admission is of substantial importance in
8 the case; ~~or~~

9 (6) is issued under Chapter 64; or

10 (7) grants bail, in an amount considered insufficient
11 by the prosecuting attorney, to a defendant who:

12 (A) is charged with an offense punishable as a
13 felony; and

14 (B) has previously been granted bail for a
15 pending offense punishable as a felony.

16 (g) If the state appeals pursuant to this article and the
17 defendant is on bail, the defendant ~~he~~ shall be permitted to
18 remain at large on the existing bail. If the defendant is in
19 custody, the defendant ~~he~~ is entitled to reasonable bail, as
20 provided by law, unless the appeal is from an order which would:

21 (1) terminate the prosecution, in which event the
22 defendant is entitled to release on personal bond; or

23 (2) grant bail in an amount considered insufficient by
24 the prosecuting attorney, in which event the defendant shall be
25 held in custody during the pendency of the appeal.

26 SECTION 16. Section 72.038, Government Code, is amended by
27 adding Subsections (b-1) and (c-1) and amending Subsection (c) to

1 read as follows:

2 (b-1) A person who releases a defendant on bail under the
3 authority of a standing order related to bail shall complete the
4 form required under this section.

5 (c) The person setting bail, an employee of the court that
6 set the defendant's bail, or an employee of the county in which the
7 defendant's bail was set must, on completion of the form required
8 under this section, promptly but not later than 48 [~~72~~] hours after
9 the time the defendant's bail is set provide the form
10 electronically to the office through the public safety report
11 system.

12 (c-1) The office shall provide to the elected district
13 attorney in each county an electronic copy of the form submitted to
14 the office under Subsection (c) for each defendant whose bail is set
15 in the county for an offense involving violence, as defined by
16 Article 17.03, Code of Criminal Procedure. To receive a form as
17 provided by this subsection, an elected district attorney must
18 provide to the office an e-mail address.

19 SECTION 17. Section 51A.003(b), Human Resources Code, is
20 amended to read as follows:

21 (b) The notice adopted under this section must include the
22 following in both English and Spanish:

23 (1) a statement that it is a criminal offense for any
24 person, including a member of the family or former member of the
25 family, to cause physical injury or harm to a victim or to engage in
26 conduct constituting stalking, harassment, or terroristic threat
27 toward a victim;

1 (2) a list of agencies and social organizations that
2 the victim may contact for assistance with safety planning,
3 shelter, or protection;

4 (3) contact information for:

5 (A) the National Domestic Violence Hotline;

6 (B) victim support services at the Department of
7 Public Safety; and

8 (C) the commission's family violence program;

9 and

10 (4) information regarding the legal rights of a
11 victim, including information regarding:

12 (A) the filing of criminal charges and obtaining
13 a protective order or a magistrate's order for emergency
14 protection; ~~and~~

15 (B) the ability of a tenant who is a victim of
16 family violence to vacate a dwelling and terminate a residential
17 lease; and

18 (C) the ability of the victim to provide
19 information to the local prosecutor that will be helpful to a
20 magistrate setting bail if the person committing the offense is
21 arrested.

22 SECTION 18. Article 17.071(f-1), Code of Criminal
23 Procedure, is repealed.

24 SECTION 19. The change in law made by this Act applies only
25 to an offense committed on or after the effective date of this Act.
26 An offense committed before the effective date of this Act is
27 governed by the law in effect on the date the offense was committed,

1 and the former law is continued in effect for that purpose. For
2 purposes of this section, an offense was committed before the
3 effective date of this Act if any element of the offense occurred
4 before that date.

5 SECTION 20. This Act takes effect September 1, 2025.