

1-1 By: Huffman, et al. S.B. No. 9
 1-2 (In the Senate - Filed February 3, 2025; February 3, 2025,
 1-3 read first time and referred to Committee on Criminal Justice;
 1-4 February 13, 2025, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 6, Nays 0;
 1-6 February 13, 2025, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15			X	

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 9 By: Huffman

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the release of defendants on bail, the duties of a
 1-20 magistrate in certain criminal proceedings, the regulation of
 1-21 charitable bail organizations, and the notice provided by peace
 1-22 officers to victims of family violence, stalking, harassment, or
 1-23 terroristic threat.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Article 15.17, Code of Criminal Procedure, is
 1-26 amended by adding Subsection (h) to read as follows:

1-27 (h) Not later than 24 hours after the time a magistrate
 1-28 determines that no probable cause exists to believe that a person
 1-29 committed the offense for which the person was arrested, the
 1-30 magistrate shall enter in the record written findings to support
 1-31 that finding.

1-32 SECTION 2. Article 17.021, Code of Criminal Procedure, is
 1-33 amended by amending Subsection (b) and adding Subsections (c-1),
 1-34 (h), (h-1), and (i) to read as follows:

1-35 (b) The public safety report system must:

1-36 (1) state the requirements for setting bail under
 1-37 Article 17.15 and list each factor provided by Article 17.15(a);

1-38 (2) provide the defendant's name and date of birth or,
 1-39 if impracticable, other identifying information, the cause number
 1-40 of the case, if available, and the offense for which the defendant
 1-41 was arrested;

1-42 (3) provide information on the eligibility of the
 1-43 defendant for a personal bond;

1-44 (4) provide information regarding the applicability
 1-45 of any required or discretionary bond conditions;

1-46 (5) provide, in summary form, the criminal history of
 1-47 the defendant, including information regarding ~~any~~:

1-48 (A) previous misdemeanor convictions or felony
 1-49 convictions;

1-50 (B) any pending charges, including whether the
 1-51 defendant is currently released on bail or other pretrial release
 1-52 and any conditions of that release;

1-53 (C) any previous sentences imposing a term of
 1-54 confinement;

1-55 (D) any previous convictions or pending charges
 1-56 for:

1-57 (i) offenses that are offenses involving
 1-58 violence as defined by Article 17.03; or

1-59 (ii) offenses involving violence directed
 1-60 against a peace officer; ~~and~~

2-1 (E) any previous failures of the defendant to
2-2 appear in court following release on bail;

2-3 (F) whether the defendant is currently on
2-4 community supervision, parole, or mandatory supervision for an
2-5 offense;

2-6 (G) outstanding warrants for the defendant's
2-7 arrest that have been entered into the National Crime Information
2-8 Center database or the Texas Crime Information System established
2-9 under Section 411.0541, Government Code, including a warrant issued
2-10 under Article 42A.751 of this code or Section 508.251, Government
2-11 Code; and

2-12 (H) any current protective orders, as defined by
2-13 Section 72.151, Government Code, for which the defendant is the
2-14 subject; and

2-15 (6) be designed to collect and maintain the
2-16 information provided on a bail form submitted under Section 72.038,
2-17 Government Code.

2-18 (c-1) On request by an attorney representing the state, the
2-19 office shall provide to the attorney access to the public safety
2-20 report system for the purpose of allowing the attorney to access a
2-21 bail form submitted to the office under Section 72.038, Government
2-22 Code.

2-23 (h) The public safety report system must be configured to
2-24 allow a county to integrate with the public safety report system the
2-25 jail records management system and case management system used by
2-26 the county.

2-27 (h-1) The office may provide grants to reimburse counties
2-28 for costs related to integrating the systems described by
2-29 Subsection (h). The office is not required to provide a grant under
2-30 this subsection unless the office is appropriated money for that
2-31 purpose. This subsection expires August 31, 2027.

2-32 (i) The office may modify the public safety report system to
2-33 incorporate technological advances to the system's features
2-34 regarding notices and to any other processes the office determines
2-35 will enhance the system's availability to protect the public.

2-36 SECTION 3. Article 17.022, Code of Criminal Procedure, is
2-37 amended by adding Subsection (g) to read as follows:

2-38 (g) In the manner described by this article, a magistrate
2-39 may order, prepare, or consider a public safety report in setting
2-40 bail for a defendant who is not in custody at the time the report is
2-41 ordered, prepared, or considered.

2-42 SECTION 4. The heading to Article 17.027, Code of Criminal
2-43 Procedure, is amended to read as follows:

2-44 Art. 17.027. RELEASE ON BAIL OF DEFENDANT CHARGED WITH
2-45 FELONY OFFENSE [~~COMMITTED WHILE ON BAIL~~].

2-46 SECTION 5. Article 17.027, Code of Criminal Procedure, is
2-47 amended by amending Subsection (a) and adding Subsections (a-1),
2-48 (a-2), (c), and (d) to read as follows:

2-49 (a) Notwithstanding any other law:

2-50 (1) if a defendant is charged with committing an
2-51 offense punishable as a felony while released on bail in a pending
2-52 case for another offense punishable as a felony and the subsequent
2-53 offense was committed in the same county as the previous offense,
2-54 the defendant may be released on bail only by:

2-55 (A) the court before whom the case for the
2-56 previous offense is pending; or

2-57 (B) another court designated in writing by the
2-58 court described by Paragraph (A); and

2-59 (2) if a defendant is charged with committing an
2-60 offense punishable as a felony while released on bail for another
2-61 pending offense punishable as a felony and the subsequent offense
2-62 was committed in a different county than the previous offense,
2-63 electronic notice of the charge must be [~~promptly~~] given to the
2-64 individual designated to receive electronic notices for the county
2-65 in which the previous offense was committed, not later than the next
2-66 business day after the date the defendant is charged, for purposes
2-67 of the court specified by Subdivision (1) [~~for purposes of~~
2-68 reevaluating the bail decision,] determining whether any bail
2-69 conditions were violated[~~7~~] or taking any other applicable action

3-1 such as an action described by Subsection (a-1).

3-2 (a-1) If a defendant is charged with committing an offense
 3-3 punishable as a felony while released on bail in a pending case for
 3-4 another offense punishable as a felony, the court before which the
 3-5 case for the previous offense is pending shall consider whether to
 3-6 revoke or modify the terms of the previous bond or to otherwise
 3-7 reevaluate the previous bail decision.

3-8 (a-2) A magistrate appointed under Chapter 54, Government
 3-9 Code, may not release on bail a defendant who:

3-10 (1) is charged with committing an offense punishable
 3-11 as a felony if the defendant:

3-12 (A) was on parole or community supervision at the
 3-13 time of the offense;

3-14 (B) has previously been finally convicted of two
 3-15 or more offenses punishable as a felony and for which the defendant
 3-16 was imprisoned in the Texas Department of Criminal Justice; or

3-17 (C) is subject to an immigration detainer issued
 3-18 by United States Immigration and Customs Enforcement; or

3-19 (2) is charged with committing an offense under the
 3-20 following provisions of the Penal Code:

3-21 (A) Section 19.02 (murder);

3-22 (B) Section 19.03 (capital murder);

3-23 (C) Section 20.04 (aggravated kidnapping);

3-24 (D) Section 22.02 (aggravated assault); or

3-25 (E) Section 22.021 (aggravated sexual assault).

3-26 (c) The local administrative district judge for each county
 3-27 shall designate an individual to receive electronic notices under
 3-28 Subsection (a)(2). The county shall ensure that the name and
 3-29 contact information of the individual designated to receive notices
 3-30 under this subsection are included in the public safety report
 3-31 system developed under Article 17.021.

3-32 (d) An individual designated under Subsection (c) who
 3-33 receives an electronic notice under Subsection (a) shall promptly
 3-34 provide the notice to the court specified by Subsection (a)(1) and
 3-35 to the attorney representing the state and the defendant's
 3-36 attorney, if known, in the pending case for the offense for which
 3-37 the defendant was initially released on bail. A notice provided
 3-38 under this subsection does not constitute an ex parte
 3-39 communication.

3-40 SECTION 6. Chapter 17, Code of Criminal Procedure, is
 3-41 amended by adding Article 17.029 to read as follows:

3-42 Art. 17.029. REVIEW OF BAIL DECISION. (a) This article
 3-43 applies only to a bail decision:

3-44 (1) regarding a defendant charged with or arrested for
 3-45 an offense punishable as a felony; and

3-46 (2) that was made under Article 17.028 by the
 3-47 magistrate of a court that does not have jurisdiction to try the
 3-48 offense with which the defendant is charged.

3-49 (b) Notwithstanding any other law, a district judge in any
 3-50 county in which the offense for which the person was arrested will
 3-51 be tried or in any county in which the charge for that offense will
 3-52 be filed has jurisdiction to modify a bail decision to which this
 3-53 article applies, regardless of whether the defendant has been
 3-54 previously indicted or an information has been previously filed for
 3-55 the offense for which the defendant was arrested.

3-56 (c) The local administrative judge for each county shall
 3-57 establish a procedure for the district clerk to notify the district
 3-58 judges in the county that the district clerk received a request to
 3-59 review a bail decision under this article.

3-60 (d) A district judge must review a bail decision as soon as
 3-61 practicable but not later than the next business day after the date
 3-62 a request to review the bail decision is filed with the district
 3-63 clerk by an attorney representing the state.

3-64 (e) A district judge reviewing a bail decision under this
 3-65 article shall comply with Article 17.09 and shall consider the
 3-66 facts presented and the rules established by Article 17.15(a) in
 3-67 setting the defendant's bail.

3-68 (f) If a district judge modifies a bail decision under this
 3-69 article to increase the amount of bail or to require additional

4-1 conditions of bail for a defendant who is not in custody, the judge
 4-2 shall:

4-3 (1) issue a summons for the defendant to appear before
 4-4 the judge; and

4-5 (2) give the defendant a reasonable opportunity to
 4-6 appear before issuing a warrant for the defendant's arrest.

4-7 SECTION 7. Article 17.03(b-2), Code of Criminal Procedure,
 4-8 is amended to read as follows:

4-9 (b-2) Except as provided by Articles 15.21, 17.032, 17.033,
 4-10 and 17.151, a defendant may not be released on personal bond if the
 4-11 defendant:

4-12 (1) is charged with:

4-13 (A) an offense involving violence; or

4-14 (B) an offense under:

4-15 (i) Section 19.02(b)(4), Penal Code (murder
 4-16 as a result of manufacture or delivery of a controlled substance in
 4-17 Penalty Group 1-B);

4-18 (ii) Section 22.07, Penal Code (terroristic
 4-19 threat);

4-20 (iii) Section 25.07, Penal Code (violation
 4-21 of certain court orders or conditions of bond in a family violence,
 4-22 child abuse or neglect, sexual assault or abuse, indecent assault,
 4-23 stalking, or trafficking case); or

4-24 (iv) Section 46.04(a), Penal Code (unlawful
 4-25 possession of firearm); or

4-26 (2) while released on bail or community supervision
 4-27 for an offense involving violence, is charged with committing:

4-28 (A) any offense punishable as a felony; or

4-29 (B) an offense under the following provisions of
 4-30 the Penal Code:

4-31 (i) Section 22.01(a)(1) (assault);

4-32 (ii) Section 22.05 (deadly conduct); or

4-33 (iii) [Section 22.07 (terroristic threat);

4-34 ~~or~~

4-35 ~~[(iv)]~~ Section 42.01(a)(7) or (8)

4-36 (disorderly conduct involving firearm).

4-37 SECTION 8. Articles 17.071(a), (f), (h), and (k), Code of
 4-38 Criminal Procedure, are amended to read as follows:

4-39 (a) In this article:

4-40 (1) "Charitable [~~,"charitable~~] bail organization"
 4-41 means a person who accepts and uses donations from the public to
 4-42 deposit money with a court in the amount of a defendant's bail bond.
 4-43 The term does not include:

4-44 (A) ~~[(1)]~~ a person accepting donations with
 4-45 respect to a defendant who is a member of the person's family, as
 4-46 determined under Section 71.003, Family Code; or

4-47 (B) ~~[(2)]~~ a nonprofit corporation organized for
 4-48 a religious purpose.

4-49 (2) "Office" means the Office of Court Administration
 4-50 of the Texas Judicial System.

4-51 (f) Not later than the 10th day of each month, a charitable
 4-52 bail organization shall submit to the office [~~, to the sheriff of~~
 4-53 each county in which the organization files an affidavit under
 4-54 Subsection (e),] a report that includes the following information
 4-55 for each defendant for whom the organization paid a bail bond in the
 4-56 preceding calendar month:

4-57 (1) the name of the defendant;

4-58 (2) the cause number of the case;

4-59 (3) each charge for which the bond was paid;

4-60 (4) the amount of the bond paid;

4-61 (5) the county in which the applicable charge is
 4-62 pending, if different from the county in which the bond was paid;

4-63 (6) ~~[(4)]~~ [and

4-64 [any dates on which the defendant has failed to
 4-65 appear in court as required for the charge for which the bond was
 4-66 paid; and

4-67 (7) whether a bond forfeiture has occurred in
 4-68 connection with the charge for which the bond was paid.

4-69 (h) If the office has reason to believe that a charitable

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

5-13 (k) Not later than December 1 of each year, the office
 5-14 [Office of Court Administration of the Texas Judicial System] shall
 5-15 prepare and submit, to the governor, lieutenant governor, speaker
 5-16 of the house of representatives, and presiding officers of the
 5-17 standing committees of each house of the legislature with primary
 5-18 jurisdiction over the judiciary, a report regarding the information
 5-19 submitted to the office under Subsections (f) [~~(f-1)~~] and (h) for
 5-20 the preceding state fiscal year.

5-21 SECTION 9. Chapter 17, Code of Criminal Procedure, is
 5-22 amended by adding Article 17.092 to read as follows:

5-23 Art. 17.092. MODIFICATION OF BOND. A magistrate described
 5-24 by Articles 2A.151(5)-(14) may not modify the amount or conditions
 5-25 of bond set by the judge of a district court, including the judge of
 5-26 a district court in another county.

5-27 SECTION 10. Article 17.21, Code of Criminal Procedure, is
 5-28 amended to read as follows:

5-29 Art. 17.21. BAIL IN FELONY. (a) In cases of felony, when
 5-30 the accused is in custody of the sheriff or other officer, and the
 5-31 court before which the prosecution is pending is in session in the
 5-32 county where the accused is in custody, the court shall fix the
 5-33 amount of bail, if it is a bailable case and determine if the
 5-34 accused is eligible for a personal bond; and the sheriff or other
 5-35 peace officer, unless it be the police of a city, or a jailer
 5-36 licensed under Chapter 1701, Occupations Code, is authorized to
 5-37 take a bail bond of the accused in the amount as fixed by the court,
 5-38 to be approved by such officer taking the same, and will thereupon
 5-39 discharge the accused from custody. The defendant and the
 5-40 defendant's sureties are not required to appear in court.

5-41 (b) Notwithstanding Subsection (a), a magistrate may not
 5-42 release on bail a defendant charged with an offense punishable as a
 5-43 felony unless:

5-44 (1) the defendant has appeared before the magistrate;
 5-45 and

5-46 (2) the magistrate has considered the public safety
 5-47 report prepared under Article 17.022 for the defendant.

5-48 SECTION 11. Articles 44.01(a) and (g), Code of Criminal
 5-49 Procedure, are amended to read as follows:

5-50 (a) The state is entitled to appeal an order of a court in a
 5-51 criminal case if the order:

5-52 (1) dismisses an indictment, information, or
 5-53 complaint or any portion of an indictment, information, or
 5-54 complaint;

5-55 (2) arrests or modifies a judgment;

5-56 (3) grants a new trial;

5-57 (4) sustains a claim of former jeopardy;

5-58 (5) grants a motion to suppress evidence, a
 5-59 confession, or an admission, if jeopardy has not attached in the
 5-60 case and if the prosecuting attorney certifies to the trial court
 5-61 that the appeal is not taken for the purpose of delay and that the
 5-62 evidence, confession, or admission is of substantial importance in
 5-63 the case; ~~or~~

5-64 (6) is issued under Chapter 64; or

5-65 (7) grants bail, in an amount considered insufficient
 5-66 by the prosecuting attorney, to a defendant who:

5-67 (A) is charged with an offense punishable as a
 5-68 felony; and

5-69 (B) has previously been granted bail for a

6-1 pending offense punishable as a felony.

6-2 (g) If the state appeals pursuant to this article and the
6-3 defendant is on bail, the defendant [~~he~~] shall be permitted to
6-4 remain at large on the existing bail. If the defendant is in
6-5 custody, the defendant [~~he~~] is entitled to reasonable bail, as
6-6 provided by law, unless the appeal is from an order which would:

6-7 (1) terminate the prosecution, in which event the
6-8 defendant is entitled to release on personal bond; or

6-9 (2) grant bail in an amount considered insufficient by
6-10 the prosecuting attorney, in which event the defendant shall be
6-11 held in custody during the pendency of the appeal.

6-12 SECTION 12. Section 72.038, Government Code, is amended by
6-13 adding Subsections (b-1) and (c-1) and amending Subsection (c) to
6-14 read as follows:

6-15 (b-1) A person who releases a defendant on bail under the
6-16 authority of a standing order related to bail shall complete the
6-17 form required under this section.

6-18 (c) The person setting bail, an employee of the court that
6-19 set the defendant's bail, or an employee of the county in which the
6-20 defendant's bail was set must, on completion of the form required
6-21 under this section, promptly but not later than 48 [~~72~~] hours after
6-22 the time the defendant's bail is set provide the form
6-23 electronically to the office through the public safety report
6-24 system.

6-25 (c-1) The office shall provide to the elected district
6-26 attorney in each county an electronic copy of the form submitted to
6-27 the office under Subsection (c) for each defendant whose bail is set
6-28 in the county for an offense involving violence, as defined by
6-29 Article 17.03, Code of Criminal Procedure. To receive a form as
6-30 provided by this subsection, an elected district attorney must
6-31 provide to the office an e-mail address.

6-32 SECTION 13. Section 51A.003(b), Human Resources Code, is
6-33 amended to read as follows:

6-34 (b) The notice adopted under this section must include the
6-35 following in both English and Spanish:

6-36 (1) a statement that it is a criminal offense for any
6-37 person, including a member of the family or former member of the
6-38 family, to cause physical injury or harm to a victim or to engage in
6-39 conduct constituting stalking, harassment, or terroristic threat
6-40 toward a victim;

6-41 (2) a list of agencies and social organizations that
6-42 the victim may contact for assistance with safety planning,
6-43 shelter, or protection;

6-44 (3) contact information for:
6-45 (A) the National Domestic Violence Hotline;
6-46 (B) victim support services at the Department of
6-47 Public Safety; and

6-48 (C) the commission's family violence program;
6-49 and

6-50 (4) information regarding the legal rights of a
6-51 victim, including information regarding:

6-52 (A) the filing of criminal charges and obtaining
6-53 a protective order or a magistrate's order for emergency
6-54 protection; [~~and~~]

6-55 (B) the ability of a tenant who is a victim of
6-56 family violence to vacate a dwelling and terminate a residential
6-57 lease; and

6-58 (C) the ability of the victim to provide
6-59 information to the local prosecutor that will be helpful to a
6-60 magistrate setting bail if the person committing the offense is
6-61 arrested.

6-62 SECTION 14. Article 17.071(f-1), Code of Criminal
6-63 Procedure, is repealed.

6-64 SECTION 15. The change in law made by this Act applies only
6-65 to an offense committed on or after the effective date of this Act.
6-66 An offense committed before the effective date of this Act is
6-67 governed by the law in effect on the date the offense was committed,
6-68 and the former law is continued in effect for that purpose. For
6-69 purposes of this section, an offense was committed before the

7-1 effective date of this Act if any element of the offense occurred
7-2 before that date.

7-3 SECTION 16. This Act takes effect September 1, 2025.

7-4 * * * * *