

By: Huffman

S.B. No. 1047

A BILL TO BE ENTITLED

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

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

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

10 (b) The public safety report system must:

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

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

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

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

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

23 (A) any previous misdemeanor or felony
24 convictions;

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

4 (C) any previous sentences imposing a term of
5 confinement;

6 (D) any previous convictions or pending charges
7 for:

8 (i) offenses that are offenses involving
9 violence as defined by Article 17.03; or

10 (ii) offenses involving violence directed
11 against a peace officer; ~~and~~

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

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

17 (G) any outstanding warrants for the defendant's
18 arrest, including a warrant issued under Article 42A.751 of this
19 code or Section 508.251, Government Code; and

20 (H) any current or previous protective orders, as
21 defined by Section 72.151, Government Code, for which the defendant
22 is the 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 (h) The office shall, without cost to the county, allow a
27 county to integrate with the public safety report system the jail

1 records management system and case management system used by the
2 county.

3 SECTION 2. Article 17.022, Code of Criminal Procedure, is
4 amended by amending Subsection (a) and adding Subsection (g) to
5 read as follows:

6 (a) A magistrate considering the release on bail of a
7 defendant charged with an offense punishable as a Class B
8 misdemeanor or any higher category of offense shall order that:

9 (1) the personal bond office established under Article
10 17.42 for the county in which the defendant is being detained, if a
11 personal bond office has been established for that county, or other
12 suitably trained person including judicial personnel or sheriff's
13 department personnel, use the public safety report system developed
14 under Article 17.021 to prepare a public safety report with respect
15 to the defendant; and

16 (2) the public safety report prepared under
17 Subdivision (1) be provided, as soon as practicable but not later
18 than 48 hours after the defendant's arrest, to the magistrate, the
19 attorney representing the state, and the clerk of the court in which
20 the case is pending [~~as soon as practicable but not later than 48~~
21 ~~hours after the defendant's arrest~~].

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

26 SECTION 3. Article 17.027, Code of Criminal Procedure, is
27 amended by amending Subsection (a) and adding Subsections (a-1),

1 (c), and (d) to read as follows:

2 (a) Notwithstanding any other law:

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

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

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

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

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

1 revoke or modify the terms of the previous bond or to otherwise
2 reevaluate the previous bail decision.

3 (c) The local administrative district judge for each county
4 shall designate an individual to receive electronic notices under
5 Subsection (a)(2). The county shall ensure that the name and
6 contact information of the individual designated to receive notices
7 under this subsection are:

8 (1) provided on all criminal history and warrant
9 documents issued by the county; and

10 (2) included in the public safety report system
11 developed under Article [17.021](#).

12 (d) An individual designated under Subsection (c) who
13 receives an electronic notice under Subsection (a) shall promptly
14 provide the notice to the court specified by Subsection (a)(1) and
15 to the attorney representing the state and the defendant's attorney
16 in the pending case for the offense for which the defendant was
17 initially released on bail. A notice provided under this
18 subsection does not constitute an ex parte communication.

19 SECTION 4. Chapter [17](#), Code of Criminal Procedure, is
20 amended by adding Article 17.029 to read as follows:

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

25 (b) Except as provided by Subsection (f), as soon as
26 practicable but not later than the next business day after the date
27 a magistrate described by Subsection (a) issues an order under

1 Article 17.028(a) for a defendant who is charged with an offense
2 punishable as a Class B misdemeanor or any higher category of
3 offense, the magistrate shall send the following to the clerk of
4 each court in the county with jurisdiction to try the offense:

5 (1) the order issued under Article 17.028(a) and a
6 description of any conditions of bond imposed on the defendant;

7 (2) the complaint charging the commission of the
8 offense; and

9 (3) the warrant of arrest, if applicable.

10 (c) The documents described by Subsection (b) may be sent by
11 any method that ensures transmission of a duplicate of the
12 original, including secure facsimile transmission or other secure
13 electronic means.

14 (d) An order described by Subsection (b) may, at the request
15 of the defendant or the attorney representing the state, be
16 reviewed and modified by:

17 (1) a court to which the order and information were
18 provided under Subsection (b); or

19 (2) another court designated in writing by a court
20 described by Subdivision (1).

21 (e) A court reviewing a bail decision under Subsection (d)
22 shall comply with Article 17.09 and shall consider the facts
23 presented and the rules established by Article 17.15(a) in setting
24 the defendant's bail.

25 (f) A magistrate is not required to transmit the order and
26 information as described by Subsection (b) if the commissioners
27 court of the county has adopted an alternative procedure to provide

1 for the review of a bail decision issued by a magistrate of a court
2 that does not have jurisdiction to try the offense with which the
3 defendant is charged.

4 SECTION 5. Section 72.038, Government Code, is amended by
5 adding Subsection (b-1) to read as follows:

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

9 SECTION 6. Section 51A.003(b), Human Resources Code, is
10 amended to read as follows:

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

13 (1) a statement that it is a criminal offense for any
14 person, including a member of the family or former member of the
15 family, to cause physical injury or harm to a victim or to engage in
16 conduct constituting stalking, harassment, or terroristic threat
17 toward a victim;

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

21 (3) contact information for:

22 (A) the National Domestic Violence Hotline;

23 (B) victim support services at the Department of
24 Public Safety; and

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

26 and

27 (4) information regarding the legal rights of a

1 victim, including information regarding:

2 (A) the filing of criminal charges and obtaining
3 a protective order or a magistrate's order for emergency
4 protection; ~~and~~

5 (B) the ability of a tenant who is a victim of
6 family violence to vacate a dwelling and terminate a residential
7 lease; and

8 (C) the ability of the victim to provide
9 information to the local prosecutor that will be helpful to a
10 magistrate setting bail if the person committing the offense is
11 arrested.

12 SECTION 7. The change in law made by this Act applies only
13 to an offense committed on or after the effective date of this Act.
14 An offense committed before the effective date of this Act is
15 governed by the law in effect on the date the offense was committed,
16 and the former law is continued in effect for that purpose. For
17 purposes of this section, an offense was committed before the
18 effective date of this Act if any element of the offense occurred
19 before that date.

20 SECTION 8. This Act takes effect September 1, 2025.