

BILL ANALYSIS

H.B. 362
By: Moody
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties contend that the process by which some judges order a defendant to be rearrested and require an increase in bond is problematic, as it often occurs with no notice to the defendant. H.B. 362 seeks to provide for notice and an opportunity for a hearing in the procedure for the rearrest and bond adjustment of certain defendants.

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

H.B. 362 amends the Code of Criminal Procedure to prohibit the judge or magistrate in whose court a criminal action is pending against an accused who has previously given a bond in the course of the action from ordering the accused to be rearrested or from requiring the accused to give another bond in a higher amount because the accused is formally charged with the same offense for which the accused was initially arrested and bond was given unless the judge or magistrate has provided notice to each party to the action and, on request of any party, provided an opportunity for a hearing.

EFFECTIVE DATE

September 1, 2017.