

SUBJECT: Entering conditions of bond imposed in family violence cases into TCIC

COMMITTEE: Homeland Security and Public Safety — favorable, without amendment

VOTE: 9 ayes — White, Bowers, Goodwin, Harless, Hefner, E. Morales, Patterson, Schaefer, Tinderholt
0 nays

SENATE VOTE: On final passage, March 30 — 31-0

WITNESSES: For — Allenna Bangs, for Tarrant County Criminal District Attorney Sharen Wilson; Krista Del Gallo, Texas Council on Family Violence; (*Registered, but did not testify*: Justin Leathers, Arlington Police Department; Christine Wright, City of San Antonio; Jennifer Szimanski, Combined Law Enforcement Associations of Texas; M. Paige Williams, for Dallas County Criminal District Attorney John Creuzot; Frederick Frazier, Dallas Police Association and FOP716 State FOP; James Parnell, Dallas Police Association; David Sinclair, Game Warden Peace Officers Association; Ray Hunt, HPOU; Noel Johnson, JPCA; Carlos Lopez and Jama Pantel, Justices of the Peace and Constables Association of Texas; Carlos Ortiz and Jimmy Rodriguez, San Antonio Police Officers Association; Brian Hawthorne, Sheriffs Association of Texas; Lindy Borchardt, for Tarrant County Criminal District Attorney Sharen Wilson; Katherine Strandberg, Texas Association Against Sexual Assault; Christina Puentes, Mary Lynn Rice-Lively, Frances Schenkkan, and Gyl Switzer, Texas Gun Sense; Mitch Landry, Texas Municipal Police Association; John Chancellor, Texas Police Chiefs Association; Aimee Mobley Turney, The League of Women Voters of Texas; Beverly Biehl; Tina Hester; Thomas Parkinson)

Against — None

BACKGROUND: Code of Criminal Procedure art. 17.49(b) allows a magistrate to require certain conditions of release on bond for defendants charged with offenses involving family violence, including to refrain from going to or near

locations frequented by alleged victims or to wear a global positioning monitoring system device and pay associated costs.

DIGEST: SB 343 would require a magistrate to send a copy of an order imposing, modifying, or removing a condition of bond for a defendant charged with an offense involving family violence to the appropriate attorney representing the state and either the police chief or county sheriff of the city or county in which the victim lived, as applicable. The magistrate would have to send the copy as soon as possible but no later than the next business day after the date the order was issued.

The clerk of the court also would have to send a copy to the victim's last known address by the next business day after the date the order was issued. If the victim was not present when an order imposing, modifying, or removing a condition of bond was issued, the magistrate would be required to order a peace officer to make an effort to provide notice of the order within 24 hours by calling the victim's last known phone number.

A magistrate or clerk could delay sending a copy only if the magistrate or clerk lacked information necessary to ensure service and enforcement.

If the order prohibited the defendant from going to or near a child care facility or school, the magistrate also would have to send a copy of the order to the applicable facility or school.

A copy of the order could be sent electronically or in another manner that could be accessed by the recipient.

The bill would require the law enforcement agency, within three business days after receiving the copy of the order, to enter certain information into the statewide law enforcement information system maintained by the Department of Public Safety (DPS) or modify or remove that information, as appropriate. The agency would have to enter:

- certain information DPS is required to collect about defendants subject to conditions of bond imposed for the protection of victims

in family violence cases;

- the date the order releasing the defendant on bond was issued; and
- the court that issued the order releasing the defendant on bond.

The law enforcement agency would have to enter the information in the same manner that the agency enters the information into the system for a protective order or magistrate's order of emergency protection and regardless of whether a protective order or magistrate's order of emergency protection had been issued or entered with respect to the defendant or protected the same person as the condition of bond.

DPS would have to modify the statewide law enforcement information system to enable the system to accept and maintain the information required under the bill so that a peace officer could quickly search and retrieve information necessary to enforce the condition of bond or prevent a violation. DPS also would have to ensure that a person who accessed the system to enter, modify, or remove information could add or remove notes regarding the condition, the defendant, or the protected victim.

The bill would take effect September 1, 2021.

**SUPPORTERS
SAY:**

SB 343 would address concerns that victims, law enforcement, and other affected parties lack access to information on bond conditions for certain offenders convicted of domestic violence and other family violence offenses. Currently, there is no requirement for entry of conditions of bond in family violence cases into the Texas Crime Information Center (TCIC). By requiring the entry of certain conditions of bond information into TCIC and setting certain victim notification requirements, the bill would provide victims, law enforcement, and the community with additional protection when an offender had violated a condition of bond.

The bill would require information on conditions of bond to be entered into TCIC as a standalone record that was easily accessible to law enforcement. Under current law, officers are unable to access information on conditions of bond issued to protect survivors of family violence, making it difficult to verify if a violation occurred. However, TCIC

currently allows law enforcement officers to access other valuable data within seconds, including information on whether an individual is wanted, missing, a sex offender, or is the respondent of a protective order. Giving officers the same access to information on conditions of bond would better enable officers to verify conditions of bond and enforce them, which in turn would help protect victims, law enforcement officers, and communities.

Since conditions of bond, magistrate's orders of emergency protection, and final protective orders are similar types of orders, the time frame for entry into TCIC of conditions of bond for family violence offenses should mirror the statutorily required time frames for entry of the other orders. Law enforcement already is accustomed to the three-day time frame, and departments are encouraged to enter these orders as soon as possible. By conforming to the other time frames, the bill also would ensure that the requirement of additional entry for conditions of bond was reasonable and accounted for the varied departmental capacities.

CRITICS
SAY:

While SB 343 would put necessary procedures in place for the protection of victims of family violence, the time frame to enter information into TCIC should be decreased to better protect victims and law enforcement officers responding to calls. The bill requires information on an order be entered into the system within three business days, but some have concerns that defendants could be most dangerous during the period immediately after the order was issued. The success of requirements could depend on how quickly law enforcement agencies entered the information.