

## **BILL ANALYSIS**

Senate Research Center

H.B. 1968  
By: Garcia (Carona)  
Criminal Justice  
5-5-97  
Engrossed

### **DIGEST**

Currently, a peace bond is a court-ordered monetary deposit made by an individual accused of threatening to commit or intending to commit an offense against another individual. If the deposit cannot be made, a surety bond may be placed in its stead. If the accused commits the offense in question, either the peace bond is forfeited or the surety bond signers are held liable for the amount of the peace bond. The Code of Criminal Procedure does not grant the magistrate the power to impose any additional penalties on the violator of a peace bond apart from those penalties for the offense carried out. This bill grants certain powers to the magistrate regarding the violation of peace bonds and provides penalties.

### **PURPOSE**

As proposed, H.B. 1968 grants a magistrate certain powers regarding the violation of a peace bond; provides penalties.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Article 7.03, Code of Criminal Procedure, to require the magistrate to admonish the accused that if the accused violates a condition of a peace bond, the court, in addition to ordering forfeiture of the bond, may punish the accused for contempt under Section 21.002(c), Government Code.

SECTION 2. Amends Chapter 7, Code of Criminal Procedure, by adding Article 7.18, as follows:

Art. 7.18. CONTEMPT. Provides that violation of a condition of bond imposed under this chapter is punishable in a certain manner.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 1997.

SECTION 5. Emergency clause.