

BILL ANALYSIS

Senate Research Center

H.B. 1321
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Criminal Justice
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Engrossed

DIGEST

A recent court decision stated that a trial court does not have the inherent authority to impose conditions on a defendant's pre-trial bond that are not authorized by statute. H.B. 1321 authorizes a magistrate to impose any reasonable condition of bond related to the safety of a victim of the alleged offense or to the safety of the community that the magistrate finds is reasonably certain to secure the attendance of the defendant at trial.

PURPOSE

As proposed, H.B. 1321 authorizes a magistrate to impose any reasonable conditions of bond related to the safety of a victim of the alleged offense or to the safety of the community that the magistrate finds is reasonably certain to secure the attendance of the defendant at trial.

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 Chapter 17, Code of Criminal Procedure, by adding Article 17.40, as follows:

Art. 17.40. CONDITIONS RELATED TO VICTIM OR COMMUNITY SAFETY.

(a) Authorizes a magistrate to impose any reasonable condition of bond related to the safety of a victim of the alleged offense or to the safety of the community that the magistrate finds is reasonably certain to secure the attendance of the defendant at trial.

(b) Authorizes a magistrate, at a hearing limited to determining whether the defendant violated a condition of bond imposed under Subsection (a), to revoke the defendant's bond only if the magistrate finds by a preponderance of the evidence that the violation occurred.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 1999.

SECTION 4. Emergency clause.