

## **BILL ANALYSIS**

Senate Research Center  
87R16356 JCG-F

H.B. 766  
By: Harless et al. (Kolkhorst)  
Jurisprudence  
5/10/2021  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, conditions imposed on a defendant's bond are not entered into the Texas Crime Information Center, the law enforcement database maintained by the Department of Public Safety of the State of Texas. Oftentimes, conditions imposed for serious or violent offenses restrict the defendant from going near or interacting with the victim or other individuals potentially at risk. Without access to this information, law enforcement is at a disadvantage when confronting individuals who are out on bond, which hinders their ability to protect vulnerable individuals for whom the conditions are imposed. H.B. 766 seeks to address this issue by providing for the reporting of this information to the database.

H.B. 766 amends current law relating to the entry into the Texas Crime Information Center of certain information regarding orders imposing a condition of bond in a criminal case involving a violent offense.

### **RULEMAKING AUTHORITY**

This bill does not expressly 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 17.50, as follows:

Art. 17.50. ENTRY INTO TEXAS CRIME INFORMATION CENTER OF CERTAIN INFORMATION IN CASES INVOLVING VIOLENT OFFENSES; DUTIES OF MAGISTRATES, SHERIFFS, AND DEPARTMENT OF PUBLIC SAFETY. (a) Defines "business day," "database," and "violent offense."

(b) Requires the magistrate, as soon as practicable but not later than the next day after the date a magistrate issues an order imposing a condition of bond on a defendant under this chapter for a violent offense, to notify the sheriff of the condition and provide to the sheriff the following information:

- (1) the information listed in Section 411.042(b)(6) (relating to requiring the bureau of identification and records to collect certain information), Government Code, as that information relates to an order described by this subsection;
- (2) the name and address of any named person the condition of bond is intended to protect, and if different and applicable, the name and address of the victim of the alleged offense;
- (3) the date the order releasing the defendant on bond was issued; and
- (4) the court that issued the order releasing the defendant on bond.

(c) Requires the magistrate, as soon as practicable but not later than the next day after the date a magistrate, in a case described by Subsection (b), revokes a bond that contains a condition, modifies the terms of or removes a condition of bond, or disposes of the underlying criminal charges, to notify the sheriff and provide the sheriff with information that is sufficient to enable the sheriff to modify or remove the appropriate record in the database.

(d) Provides that as soon as practicable but not later than the next business day after the date the sheriff receives the information:

(1) described by Subsection (b), the sheriff is required to:

(A) enter the information into the database; and

(B) make a good faith effort to notify by telephone any named person the condition of bond is intended to protect, and if different and applicable, the victim of the alleged offense that the defendant to whom the order is directed has been released on bond; and

(2) described by Subsection (c), the sheriff is required to modify or remove the appropriate record in the database.

(e) Requires the clerk of a court that issues an order described by Subsection (b) to send a copy of the order to any named person the condition of bond is intended to protect, and if different and applicable, the victim of the alleged offense at the person's last known address not later than the next business day after the date the court issues the order.

(f) Requires the Department of Public Safety of the State of Texas (DPS) to:

(1) modify the database to enable the database to accept and maintain detailed information on active conditions of bond regarding the requirements and status of a condition of bond imposed by a magistrate for a violent offense, including information described by Subsections (b) and (c); and

(2) develop and adopt a form for use by magistrates and sheriffs to facilitate the data collection and data entry required by this article.

(g) Provides that this article does not create liability for any errors or omissions of a sheriff caused by inaccurate information provided under this article to the sheriff by a magistrate.

SECTION 2. Requires DPS, not later than December 31, 2021, to modify the statewide law enforcement information system maintained by DPS, also known as the Texas Crime Information Center, to enable the database to accept and maintain detailed information regarding the requirements and status of an active condition of bond imposed by a magistrate for a violent offense, as required by Article 17.50(f), Code of Criminal Procedure, as added by this Act.

SECTION 3. (a) Effective date, except as provided by Subsection (b) of this section: January 1, 2022.

(b) Effective date, Section 2: September 1, 2021.