

BILL ANALYSIS

Senate Research Center
87R18204 MAW-F

C.S.S.B. 495
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Jurisprudence
4/7/2021
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Criminal justice reforms in recent years have led to an increase in offenders released on bail and personal bond. These measures have focused on offenders and have not necessarily sought to balance and take into account the public safety needs of victims. The Texas Constitution and the Code of Criminal Procedure grant victims in Texas with specific rights within the criminal justice system.

One of the rights enumerated within the Code of Criminal Procedure provides for the magistrate to consider the safety of the victim or the victim's family in setting the amount of bail. However, absent from this provision is the right granting the victim to be informed of the amount of bail set for the defendant or requesting the amount of bail be adjusted as necessary to protect the victim or the victim's family. Furthermore, this provision requires the victim to request, rather than be informed of, relevant court proceedings and to be informed by a peace officer regarding the defendant's right to bail.

In an effort to ensure that victims' rights are considered within the criminal justice system, S.B. 495 enhances the rights of victims enumerated in the Code of Criminal Procedure to ensure that victims are informed of the amount of bail set for the defendant and have the right to request the amount of bail be adjusted to ensure the safety of victims. S.B. 495 also removes the provision that victims must request, rather than be informed of, relevant court proceedings and be informed by a peace officer regarding the defendant's right to bail.

(Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 495 amends current law relating to certain rights of crime victims.

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 Article 56A.051(a), Code of Criminal Procedure, to entitle a victim, guardian of a victim, or close relative of a deceased victim to the right, within the criminal justice system, to be informed of the amount of bail set for the defendant, and to request that the attorney representing the state ask the magistrate to adjust the amount of bail as necessary to ensure the safety of the victim or the victim's family. Makes nonsubstantive changes.

SECTION 2. Effective date: September 1, 2021.