

1-1 By: Murr, et al. (Senate Sponsor - Huffman) H.B. No. 20  
 1-2 (In the Senate - Received from the House May 5, 2021;  
 1-3 May 10, 2021, read first time and referred to Committee on  
 1-4 Jurisprudence; May 17, 2021, reported adversely, with favorable  
 1-5 Committee Substitute by the following vote: Yeas 4, Nays 0;  
 1-6 May 17, 2021, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8	X			
1-9	X			
1-10				
1-11			X	
1-12	X			
1-13	X			

1-14 COMMITTEE SUBSTITUTE FOR H.B. No. 20 By: Huffman

1-15 A BILL TO BE ENTITLED  
 1-16 AN ACT

1-17 relating to rules for fixing the amount of bail, to the release of  
 1-18 certain defendants on a bail bond or personal bond, to related  
 1-19 duties of certain officers taking bail bonds and of a magistrate in  
 1-20 a criminal case, to charitable bail organizations, and to the  
 1-21 reporting of information pertaining to bail bonds.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Chapter 17, Code of Criminal Procedure, is  
 1-24 amended by adding Article 17.027 to read as follows:

1-25 Art. 17.027. RELEASE ON BAIL OF DEFENDANT CHARGED WITH  
 1-26 OFFENSE COMMITTED WHILE ON BAIL. Notwithstanding any other law, if  
 1-27 a defendant is charged with committing an offense while released on  
 1-28 bail for another offense, only the court before whom the case for  
 1-29 the previous offense is pending may release the defendant on bail.  
 1-30 The defendant must be presented to the court within the period  
 1-31 prescribed by Article 15.17, either in person or by means of  
 1-32 videoconference, in accordance with that article.

1-33 SECTION 2. Article 17.03, Code of Criminal Procedure, is  
 1-34 amended by amending Subsections (a) and (b) and adding Subsection  
 1-35 (b-2) to read as follows:

1-36 (a) Except as provided by Subsection (b), ~~or~~ (b-1), or  
 1-37 (b-2), a magistrate may, in the magistrate's discretion, release  
 1-38 the defendant on personal bond without sureties or other security.

1-39 (b) Only the court before whom the case is pending may  
 1-40 release on personal bond a defendant who:

1-41 (1) is charged with an offense under the following  
 1-42 sections of the Penal Code:

- 1-43 (A) Section 19.03 (Capital Murder);
- 1-44 (B) Section 20.04 (Aggravated Kidnapping);
- 1-45 (C) Section 22.021 (Aggravated Sexual Assault);
- 1-46 (D) ~~Section 22.03 (Deadly Assault on Law~~

1-47 ~~Enforcement or Corrections Officer, Member or Employee of Board of~~  
 1-48 ~~Pardons and Paroles, or Court Participant);~~

1-49 ~~(E)~~ Section 22.04 (Injury to a Child, Elderly  
 1-50 Individual, or Disabled Individual);

1-51 (E) ~~(F)~~ Section 29.03 (Aggravated Robbery);

1-52 (F) ~~(G)~~ Section 30.02 (Burglary);

1-53 (G) ~~(H)~~ Section 71.02 (Engaging in Organized  
 1-54 Criminal Activity);

1-55 (H) ~~(I)~~ Section 21.02 (Continuous Sexual Abuse  
 1-56 of Young Child or Children); or

1-57 (I) ~~(J)~~ Section 20A.03 (Continuous Trafficking  
 1-58 of Persons);

1-59 (2) is charged with a felony under Chapter 481, Health  
 1-60 and Safety Code, or Section 485.033, Health and Safety Code,

2-1 punishable by imprisonment for a minimum term or by a maximum fine  
2-2 that is more than a minimum term or maximum fine for a first degree  
2-3 felony; or

2-4 (3) does not submit to testing for the presence of a  
2-5 controlled substance in the defendant's body as requested by the  
2-6 court or magistrate under Subsection (c) of this article or submits  
2-7 to testing and the test shows evidence of the presence of a  
2-8 controlled substance in the defendant's body.

2-9 (b-2) A magistrate may not release on personal bond a  
2-10 defendant who:

2-11 (1) is charged with committing an offense while  
2-12 released on bail or community supervision for an offense involving  
2-13 violence, as defined by Article 17.15(b); or

2-14 (2) has previously been convicted of an offense  
2-15 involving violence, as defined by Article 17.15(b).

2-16 SECTION 3. Chapter 17, Code of Criminal Procedure, is  
2-17 amended by adding Articles 17.0501, 17.0502, and 17.071 to read as  
2-18 follows:

2-19 Art. 17.0501. REQUIRED TRAINING. The Department of Public  
2-20 Safety shall develop training courses that relate to the use of the  
2-21 statewide telecommunications system maintained by the department  
2-22 and that are directed to each magistrate, judge, sheriff, peace  
2-23 officer, or jailer required to obtain criminal history record  
2-24 information under this chapter, as necessary to enable the person  
2-25 to fulfill those requirements.

2-26 Art. 17.0502. COMPLETION OF BAIL FORM. (a) Each  
2-27 magistrate, judge, sheriff, peace officer, or jailer shall, at the  
2-28 time the person sets bail for a defendant under this chapter,  
2-29 complete the form promulgated by the Office of Court Administration  
2-30 of the Texas Judicial System under Section 72.036, Government Code.

2-31 (b) A person completing a form under this article shall  
2-32 electronically deliver the completed form to the Office of Court  
2-33 Administration of the Texas Judicial System as soon as is  
2-34 practicable.

2-35 Art. 17.071. CHARITABLE BAIL ORGANIZATIONS. (a) In this  
2-36 article, "charitable bail organization" means a person who solicits  
2-37 donations from the public for the purpose of depositing money with a  
2-38 court in the amount of a defendant's bail bond. The term does not  
2-39 include:

2-40 (1) a person soliciting donations with respect to a  
2-41 defendant who is a member of the person's family, as determined  
2-42 under Section 71.003, Family Code; or

2-43 (2) a nonprofit corporation organized for the purpose  
2-44 of religious worship.

2-45 (b) This article does not apply to a charitable bail  
2-46 organization that pays a bail bond for not more than three  
2-47 defendants in any 180-day period.

2-48 (c) A charitable bail organization shall file in the office  
2-49 of the county clerk of each county where the organization intends to  
2-50 pay bail bonds an affidavit designating the individuals authorized  
2-51 to pay bonds on behalf of the organization.

2-52 (d) A charitable bail organization may only pay bail bonds  
2-53 for indigent defendants who:

2-54 (1) are not charged with an offense involving  
2-55 violence, as defined by Article 17.15(b); and

2-56 (2) have not previously been convicted of an offense  
2-57 involving violence, as defined by Article 17.15(b).

2-58 (e) Not later than the 10th day of each month, a charitable  
2-59 bail organization shall submit, to the sheriff of each county in  
2-60 which the organization files an affidavit under Subsection (c), a  
2-61 report that includes the following information for each defendant  
2-62 for whom the organization paid a bail bond in the preceding calendar  
2-63 month:

2-64 (1) the name of the defendant;

2-65 (2) the cause number of the case;

2-66 (3) the county in which the applicable charge is  
2-67 pending, if different from the county in which the bond was paid;  
2-68 and

2-69 (4) any dates on which the defendant has failed to

3-1 appear in court as required for the charge for which the bond was  
3-2 paid.

3-3 (f) A charitable bail organization may not pay a bail bond  
3-4 for a defendant at any time the organization is considered to be out  
3-5 of compliance with the reporting requirements of this article.

3-6 (g) A sheriff may suspend a charitable bail organization  
3-7 from paying bail bonds in the sheriff's county for one year if the  
3-8 sheriff determines the organization has paid bonds in violation of  
3-9 this article.

3-10 (h) Chapter 22 applies to a bail bond paid by a charitable  
3-11 bail organization.

3-12 (i) A charitable bail organization may not accept a premium  
3-13 or compensation for paying a bail bond for a defendant.

3-14 SECTION 4. Article 17.15, Code of Criminal Procedure, is  
3-15 amended to read as follows:

3-16 Art. 17.15. RULES FOR FIXING AMOUNT OF BAIL. (a) The  
3-17 amount of bail to be required in any case is to be regulated by the  
3-18 court, judge, magistrate or officer taking the bail; they are to be  
3-19 governed in the exercise of this discretion by the Constitution and  
3-20 by the following rules:

3-21 1. The bail shall be sufficiently high to give reasonable  
3-22 assurance that the undertaking will be complied with.

3-23 2. The power to require bail is not to be so used as to make  
3-24 it an instrument of oppression.

3-25 3. The nature of the offense and the circumstances under  
3-26 which it was committed are to be considered, including whether the  
3-27 offense is an offense involving violence and whether the violence  
3-28 was directed against a peace officer.

3-29 4. The ability to make bail is to be regarded, and proof may  
3-30 be taken upon this point.

3-31 5. The future safety of a victim of the alleged offense and  
3-32 the community shall be considered.

3-33 6. The criminal history of the defendant, including any  
3-34 other pending criminal charges and any instances in which the  
3-35 defendant failed to appear in court following release on bail, is to  
3-36 be considered.

3-37 7. The citizenship status of the defendant is to be  
3-38 considered.

3-39 (b) In this article, "offense involving violence" means an  
3-40 offense under the following sections of the Penal Code:

3-41 (1) Section 19.02 (murder);

3-42 (2) Section 19.03 (capital murder);

3-43 (3) Section 20.03 (kidnapping);

3-44 (4) Section 20.04 (aggravated kidnapping);

3-45 (5) Section 20A.03 (continuous trafficking of  
3-46 persons);

3-47 (6) Section 21.02 (continuous sexual abuse of young  
3-48 child or children);

3-49 (7) Section 21.11 (indecent with a child);

3-50 (8) Section 22.01(a)(1) (assault), if the offense:

3-51 (A) involved family violence as defined by  
3-52 Section 71.004, Family Code; or

3-53 (B) is punishable as a felony of the second  
3-54 degree under Subsection (b-2) of that section (assault of a peace  
3-55 officer or judge);

3-56 (9) Section 22.011 (sexual assault);

3-57 (10) Section 22.02 (aggravated assault);

3-58 (11) Section 22.021 (aggravated sexual assault);

3-59 (12) Section 22.04 (injury to a child, elderly  
3-60 individual, or disabled individual);

3-61 (13) Section 25.072 (repeated violation of certain  
3-62 court orders or conditions of bond in family violence, child abuse  
3-63 or neglect, sexual assault or abuse, indecent assault, stalking, or  
3-64 trafficking case);

3-65 (14) Section 25.11 (continuous violence against the  
3-66 family);

3-67 (15) Section 29.03 (aggravated robbery); or

3-68 (16) Section 38.14 (taking or attempting to take  
3-69 weapon from peace officer, federal special investigator, employee

4-1 or official of correctional facility, parole officer, community  
4-2 supervision and corrections department officer, or commissioned  
4-3 security officer).

4-4 SECTION 5. Chapter 17, Code of Criminal Procedure, is  
4-5 amended by adding Articles 17.1501 and 17.1502 to read as follows:

4-6 Art. 17.1501. CONTINUING EDUCATION. (a) A judge or  
4-7 magistrate with the authority to set bail for defendants shall,  
4-8 within one year after the date the judge or magistrate first assumes  
4-9 office, successfully complete a four-hour course with respect to  
4-10 the judge's or magistrate's duties under Article 15.17 and setting  
4-11 bail in criminal cases.

4-12 (b) Each following year, a judge or magistrate described by  
4-13 Subsection (a) shall successfully complete a two-hour course with  
4-14 respect to the judge's or magistrate's duties under Article 15.17  
4-15 and setting bail in criminal cases.

4-16 (c) The courses may be completed through a course in bail  
4-17 bond law that is:

4-18 (1) approved by the State Bar of Texas; and

4-19 (2) offered:

4-20 (A) by a public or accredited private institution  
4-21 of higher education in this state; or

4-22 (B) through a program approved by a court  
4-23 education committee.

4-24 Art. 17.1502. BAIL SCHEDULE; HEARING. (a) The judges of  
4-25 the courts trying criminal cases in a county may promulgate a  
4-26 standing order setting out a schedule of suggested bail amounts for  
4-27 any offense over which the courts have jurisdiction under Chapter  
4-28 4.

4-29 (b) A standing order promulgated in accordance with this  
4-30 article must require that the factors under Article 17.15 be  
4-31 considered before a defendant's bail is set.

4-32 (c) A defendant who is unable to give bail in the amount  
4-33 required by the schedule must be given an opportunity to file with  
4-34 the applicable magistrate a sworn affidavit in substantially the  
4-35 following form:

4-36 "On this \_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I have been advised by the  
4-37 (name of the court) Court of the importance of providing true and  
4-38 complete information about my financial situation in connection  
4-39 with the charge pending against me. I am without means to pay  
4-40 \_\_\_\_\_ and I hereby request the court to set an appropriate bail.  
4-41 (signature of defendant)."

4-42 (d) The Office of Court Administration of the Texas Judicial  
4-43 System shall promulgate a form to be completed by a defendant filing  
4-44 an affidavit under Subsection (c) to allow a magistrate to assess  
4-45 information relevant to the defendant's financial situation. The  
4-46 form must collect, at a minimum, the following information:

4-47 (1) any income received by the defendant and the  
4-48 defendant's spouse in the preceding two years;

4-49 (2) the defendant's employment history and the  
4-50 employment history of the defendant's spouse, including gross  
4-51 monthly pay, for the preceding two years;

4-52 (3) any cash holdings available to the defendant or  
4-53 the defendant's spouse and the financial institution in which the  
4-54 cash is held;

4-55 (4) the defendant's major non-cash assets, including  
4-56 real estate and motor vehicles;

4-57 (5) money owed to the defendant or to the defendant's  
4-58 spouse;

4-59 (6) any dependents of the defendant or of the  
4-60 defendant's spouse, and the dependents' ages;

4-61 (7) an itemized estimate of the defendant's monthly  
4-62 expenses;

4-63 (8) an estimate of the defendant's tax and legal  
4-64 expenses;

4-65 (9) any anticipated major changes in the defendant's  
4-66 income or expenses; and

4-67 (10) any additional relevant information the  
4-68 defendant is able to provide to explain the defendant's inability  
4-69 to pay bail according to the schedule.



5-1           (e) A defendant who files an affidavit under Subsection (c)  
 5-2 is entitled to a hearing before the magistrate on the bail amount.  
 5-3 The hearing must be held not later than 48 hours after the affidavit  
 5-4 is filed. At the hearing, the magistrate shall require the  
 5-5 defendant to sign the form described by Subsection (d) in the  
 5-6 presence of the magistrate and under penalty of perjury. After the  
 5-7 form is signed, the magistrate shall consider the facts stated in  
 5-8 the form and the rules established by Article 17.15 and shall set  
 5-9 the defendant's bail. The magistrate shall issue oral or written  
 5-10 findings of fact supporting the bail decision.

5-11           SECTION 6. Article 17.20, Code of Criminal Procedure, is  
 5-12 amended to read as follows:

5-13           Art. 17.20. BAIL IN MISDEMEANOR. (a) In cases of  
 5-14 misdemeanor, the sheriff or other peace officer, or a jailer  
 5-15 licensed under Chapter 1701, Occupations Code, may, whether during  
 5-16 the term of the court or in vacation, where the officer has a  
 5-17 defendant in custody, take of the defendant a bail bond.

5-18           (b) Before taking a bail bond under this article, the  
 5-19 sheriff, peace officer, or jailer shall obtain the defendant's  
 5-20 criminal history record information through the statewide  
 5-21 telecommunications system maintained by the Department of Public  
 5-22 Safety. If the defendant is charged with an offense involving  
 5-23 violence or has previously been convicted of an offense involving  
 5-24 violence, the sheriff, officer, or jailer may not set the amount of  
 5-25 the defendant's bail but may take of the defendant a bail bond in  
 5-26 the amount fixed by the court. For purposes of this subsection,  
 5-27 "offense involving violence" has the meaning assigned by Article  
 5-28 17.15(b).

5-29           SECTION 7. Article 17.22, Code of Criminal Procedure, is  
 5-30 amended to read as follows:

5-31           Art. 17.22. MAY TAKE BAIL IN FELONY. (a) In a felony case,  
 5-32 if the court before which the case [~~same~~] is pending is not in  
 5-33 session in the county where the defendant is in custody, the sheriff  
 5-34 or other peace officer, or a jailer licensed under Chapter 1701,  
 5-35 Occupations Code, who has the defendant in custody may take the  
 5-36 defendant's bail bond in the [~~such~~] amount [~~as may have been~~]  
 5-37 by the court or magistrate, or if no amount has been fixed, then in  
 5-38 any [~~such~~] amount as the [~~such~~] officer considers [~~may consider~~]  
 5-39 reasonable.

5-40           (b) Before taking a bail bond under this article, the  
 5-41 sheriff, peace officer, or jailer shall obtain the defendant's  
 5-42 criminal history record information through the statewide  
 5-43 telecommunications system maintained by the Department of Public  
 5-44 Safety. If the defendant is charged with an offense involving  
 5-45 violence or has previously been convicted of an offense involving  
 5-46 violence, the sheriff, officer, or jailer may not set the amount of  
 5-47 the defendant's bail but may take of the defendant a bail bond in  
 5-48 the amount fixed by the court. For purposes of this subsection,  
 5-49 "offense involving violence" has the meaning assigned by Article  
 5-50 17.15(b).

5-51           SECTION 8. Section 27.005, Government Code, is amended to  
 5-52 read as follows:

5-53           Sec. 27.005. EDUCATIONAL REQUIREMENTS. (a) For purposes  
 5-54 of removal under Chapter 87, Local Government Code, "incompetency"  
 5-55 in the case of a justice of the peace includes the failure of the  
 5-56 justice to successfully complete:

5-57           (1) within one year after the date the justice is first  
 5-58 elected:

5-59                   (A) [~~7~~] an 80-hour course in the performance of  
 5-60 the justice's duties; and

5-61                   (B) the course described by Article 17.1501(a),  
 5-62 Code of Criminal Procedure; and

5-63           (2) each following year:

5-64                   (A) [~~7~~] a 20-hour course in the performance of  
 5-65 the justice's duties, including not less than 10 hours of  
 5-66 instruction regarding substantive, procedural, and evidentiary law  
 5-67 in civil matters; and

5-68                   (B) the course described by Article 17.1501(b),  
 5-69 Code of Criminal Procedure.

6-1 (b) The courses described by Subsections (a)(1)(A) and  
6-2 (a)(2)(A) may be completed in an accredited state-supported school  
6-3 of higher education.

6-4 SECTION 9. Subchapter C, Chapter 71, Government Code, is  
6-5 amended by adding Section 71.0351 to read as follows:

6-6 Sec. 71.0351. BAIL AND PRETRIAL RELEASE INFORMATION. (a)  
6-7 As a component of the official monthly report submitted to the  
6-8 Office of Court Administration of the Texas Judicial System under  
6-9 Section 71.035, the clerk of each court setting bail in criminal  
6-10 cases shall report:

6-11 (1) the number of defendants for whom bail was set,  
6-12 including:

6-13 (A) the number for each category of offense; and

6-14 (B) the number of personal bonds;

6-15 (2) the number of defendants who posted bail;

6-16 (3) the number of defendants released on bail who  
6-17 subsequently failed to appear or violated a condition of release;  
6-18 and

6-19 (4) the number of defendants who committed an offense  
6-20 while released on bail or community supervision.

6-21 (b) The Office of Court Administration of the Texas Judicial  
6-22 System shall post the information in a publicly accessible place on  
6-23 the agency's Internet website without disclosing any personal  
6-24 information of any defendant, judge, or magistrate.

6-25 SECTION 10. Subchapter C, Chapter 72, Government Code, is  
6-26 amended by adding Section 72.036 to read as follows:

6-27 Sec. 72.036. BAIL FORM. (a) The office shall promulgate a  
6-28 form to be completed each time a magistrate, judge, sheriff, peace  
6-29 officer, or jailer sets a defendant's bail under Chapter 17, Code of  
6-30 Criminal Procedure.

6-31 (b) The form must:

6-32 (1) state the requirements for setting bail under  
6-33 Article 17.15, Code of Criminal Procedure;

6-34 (2) require the person setting bail to certify that  
6-35 the person considered all of the information required under that  
6-36 article; and

6-37 (3) be signed by the person setting the bail.

6-38 (c) The office shall publish each form submitted under  
6-39 Article 17.0502, Code of Criminal Procedure, in a database that is  
6-40 publicly accessible on the office's Internet website.

6-41 SECTION 11. Article 66.102(c), Code of Criminal Procedure,  
6-42 is amended to read as follows:

6-43 (c) Information in the computerized criminal history system  
6-44 relating to an arrest must include:

6-45 (1) the offender's name;

6-46 (2) the offender's state identification number;

6-47 (3) the arresting law enforcement agency;

6-48 (4) the arrest charge, by offense code and incident  
6-49 number;

6-50 (5) whether the arrest charge is a misdemeanor or  
6-51 felony;

6-52 (6) the date of the arrest;

6-53 (7) for an offender released on bail, whether a  
6-54 warrant was issued for any subsequent failure of the offender to  
6-55 appear in court;

6-56 (8) the exact disposition of the case by a law  
6-57 enforcement agency following the arrest; and

6-58 (9) ~~(8)~~ the date of disposition of the case by the  
6-59 law enforcement agency.

6-60 SECTION 12. A judge or magistrate who is serving on the  
6-61 effective date of this Act must complete the judge's or  
6-62 magistrate's:

6-63 (1) initial training under Article 17.1501(a), Code of  
6-64 Criminal Procedure, as added by this Act, not later than September  
6-65 1, 2022; and

6-66 (2) first required course under Article 17.1501(b),  
6-67 Code of Criminal Procedure, as added by this Act, not later than  
6-68 September 1, 2023.

6-69 SECTION 13. The changes in law made by this Act apply only

7-1 to a person who is arrested on or after the effective date of this  
7-2 Act. A person arrested before the effective date of this Act is  
7-3 governed by the law in effect on the date the person was arrested,  
7-4 and the former law is continued in effect for that purpose.

7-5 SECTION 14. This Act takes effect September 1, 2021.

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