

1-1 By: Kolkhorst S.B. No. 343
1-2 (In the Senate - Filed January 14, 2021; March 9, 2021, read
1-3 first time and referred to Committee on Jurisprudence;
1-4 March 23, 2021, reported favorably by the following vote: Yeas 4,
1-5 Nays 0; March 23, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11			X	
1-12	X			

1-13 A BILL TO BE ENTITLED
1-14 AN ACT

1-15 relating to the entry into the Texas Crime Information Center of
1-16 certain information regarding conditions of bond imposed in
1-17 criminal cases involving family violence.

1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-19 SECTION 1. Article 17.49, Code of Criminal Procedure, is
1-20 amended by adding Subsections (m), (n), (o), (p), (q), (r), (s), and
1-21 (t) to read as follows:

1-22 (m) As soon as possible but not later than the next business
1-23 day after the date the magistrate issues an order imposing a
1-24 condition of bond or modifying or removing a condition imposed
1-25 under this article, the magistrate shall send a copy of the order to
1-26 the appropriate attorney representing the state and either to the
1-27 chief of police in the municipality where the victim of the offense
1-28 resides, if the victim resides in a municipality, or to the sheriff
1-29 of the county where the victim resides, if the victim does not
1-30 reside in a municipality. The clerk of the court shall send a copy
1-31 of the order to the victim at the victim's last known address as
1-32 soon as possible but not later than the next business day after the
1-33 date the order is issued.

1-34 (n) A magistrate or clerk of the court may delay sending a
1-35 copy of the order under Subsection (m) only if the magistrate or
1-36 clerk lacks information necessary to ensure service and
1-37 enforcement.

1-38 (o) If an order described by Subsection (m) prohibits a
1-39 defendant from going to or near a child care facility or school, the
1-40 magistrate shall send a copy of the order to the applicable child
1-41 care facility or school.

1-42 (p) The copy of the order and any related information may be
1-43 sent under Subsection (m) or (o) electronically or in another
1-44 manner that can be accessed by the recipient.

1-45 (q) If the victim of the offense is not present when an order
1-46 described by Subsection (m) is issued, the magistrate shall order a
1-47 peace officer to make a good faith effort to provide notice of the
1-48 order to the victim within 24 hours by calling the victim's last
1-49 known phone number.

1-50 (r) Not later than the third business day after the date of
1-51 receipt of the copy of an order described by Subsection (m) by the
1-52 applicable law enforcement agency, the law enforcement agency shall
1-53 enter the following information into the statewide law enforcement
1-54 information system maintained by the Department of Public Safety or
1-55 shall modify or remove that information, as appropriate:

1-56 (1) the information listed in Section 411.042(b)(6),
1-57 Government Code, as that information relates to an order issued
1-58 under this article;

1-59 (2) the date the order releasing the defendant on bond
1-60 was issued; and

1-61 (3) the court that issued the order releasing the

2-1 defendant on bond.

2-2 (s) The law enforcement agency shall enter the information
2-3 described by Subsection (r) into the statewide law enforcement
2-4 information system maintained by the Department of Public Safety:

2-5 (1) in the same manner that the agency enters the
2-6 information into the system for a protective order or magistrate's
2-7 order of emergency protection; and

2-8 (2) regardless of whether a protective order or
2-9 magistrate's order of emergency protection:

2-10 (A) has been issued or has been entered into the
2-11 system with respect to the defendant; or

2-12 (B) protects the same person as a condition of
2-13 bond in an order described by Subsection (m).

2-14 (t) The Department of Public Safety shall modify the
2-15 department's statewide law enforcement information system to:

2-16 (1) enable the system to accept and maintain detailed
2-17 information regarding the requirements and status of a condition of
2-18 bond imposed under this article, including information described by
2-19 Subsection (r), so that a peace officer may:

2-20 (A) easily and quickly search the system by one
2-21 or more criteria related to the information described by Subsection
2-22 (r), including the name of the defendant on whom the condition is
2-23 imposed; and

2-24 (B) retrieve the information necessary to
2-25 enforce the condition of bond or prevent a violation of the
2-26 condition; and

2-27 (2) ensure that a person who accesses the system for
2-28 the purpose of entering, modifying, or removing information that
2-29 relates to a condition of bond imposed under this article may add or
2-30 remove notes regarding the condition, the defendant on whom the
2-31 condition is imposed, or the person protected by the condition.

2-32 SECTION 2. This Act takes effect September 1, 2021.

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