

- SUBJECT:** Violating bond by tampering with monitoring system in certain cases
- COMMITTEE:** Criminal Jurisprudence — favorable, without amendment
- VOTE:** 6 ayes — Herrero, Moody, Canales, Hunter, Leach, Simpson  
0 nays  
1 absent — Shaheen
- WITNESSES:** For — Chad Lynn, Austin Police Department; (*Registered, but did not testify*: Chris Jones, Combined Law Enforcement Associations of Texas (CLEAT); Aaron Setliff, The Texas Council on Family Violence; Lon Craft, Texas Municipal Police Association)  
  
Against — (*Registered, but did not testify*: Kristin Etter, Texas Criminal Defense Lawyers Association)
- BACKGROUND:** Penal Code, sec. 25.07 makes it a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000) to commit certain actions in violation of certain court orders or conditions of bonds in a family violence, sexual assault or abuse, or stalking case.
- DIGEST:** HB 2645 would expand the Penal Code, sec. 25.07 offense involving violating certain court orders or bond conditions in family violence, sexual assault or abuse, and stalking cases to include removing or attempting to remove a global positioning monitoring system.  
  
The bill would take effect September 1, 2015, and would apply only to offenses committed on or after that date.
- SUPPORTERS SAY:** HB 2645 is needed to deter tampering with an electronic monitor ordered by a court as a condition of bond in family violence, sexual assault and abuse, and stalking cases and to adequately punish those who do so. Removing or attempting to remove a monitoring device can signal that someone is intending to do something he or she should not and could

place the alleged victim in danger.

Currently, if someone cuts off or tampers with an ankle monitor or other device ordered as part of a bond condition in these cases, the action is a bond violation, not a crime. The tampering must be handled through the process to revoke bond, and generally, there would be no immediate arrest. The bond revocation process includes a hearing, with no guarantee that a bond would be revoked. This can be time consuming when time may be of the essence to protect an alleged victim.

HB 2645 would address this issue by including removing or attempting to remove a monitoring system in the list of things that can trigger the offense of violating a condition of bond in family violence, sexual assault and abuse, and stalking cases. This would allow police officers to take immediate action in these cases and to arrest the defendant and protect the alleged victim. In other cases, victims would be protected by the bill deterring tampering in the first place.

OPPONENTS  
SAY:

The situation described by HB 2645 would be better handled through a bond revocation hearing than by expanding a crime. Such a hearing could result in bond being revoked and a defendant being jailed, if necessary to protect an alleged victim.