

**SUBJECT:** Establishing a personal bond and pretrial supervision office

**COMMITTEE:** Criminal Jurisprudence — favorable, without amendment

**VOTE:** 9 ayes — Moody, Cook, Bhojani, Bowers, Darby, Harrison, Leach, C. Morales, Schatzline

0 nays

**WITNESSES:** For — J.R. Woolley, Justices of the Peace and Constables Association of Texas; Aaron Johnson, Texas Association of Pretrial (*Registered, but did not testify*); Brian Hawthorne, Sheriffs Association of Texas; Cicely Kay, Travis County Commissioners Court; Robert Pechukas, Waller County

Against — None

**BACKGROUND:** Some have suggested that a centralized office to oversee personal bond orders could increase access to these orders for county magistrates and judges and enable them to enforce bond conditions.

**DIGEST:** HB 4398 would authorize a county to establish a personal bond and pretrial supervision office.

Under the bill, a county’s commissioners court or the district and county judges of a judicial district that established a personal bond and pretrial supervision office could direct the office to provide certain pretrial services. The office could be directed to provide indigent legal services monitoring, pretrial rehabilitative services, coordination of mental health services, and other services as required to fulfill the goals of pretrial bond supervision.

The programs operated by the office could include reasonable conditions and monitoring related to the purpose of the programs, including testing for controlled substances and alcohol use. If this provision conflicted with another provision of another law, the other law would prevail.

The director of a personal bond or personal bond and pretrial supervision office, or an employee of the office authorized by the director, would be entitled to obtain criminal history record information from the Texas Department of Criminal Justice that related to a person who was being considered for personal bond or was receiving services from the office.

A person who obtained criminal history record information could not release the information to any person except to a judge or magistrate making a bond determination. This person could disclose certain information to the subject of the information, the attorney representing the state, or the subject's defense attorney.

The bill also would add references to a personal bond and pretrial supervision office to provisions regulating a personal bond office.

The department could not charge a fee for providing criminal history record information.

The bill would not apply to a personal bond and pretrial supervision office that was operated by a community corrections and supervision department on January 1, 1995.

The bill would take effect September 1, 2023.