

## **BILL ANALYSIS**

Senate Research Center  
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S.B. 799  
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Jurisprudence  
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### **DIGEST**

Currently, a county pretrial services agency oversees certain defendants. The agency will supervise a defendant ordered by a court into supervision, posting a personal bond, or monitoring through adjudication proceedings. While the agency may assess a fee for defendants the agency supervises, no statutory authority permits the agency to assess a personal bond fee. Authorizing a court to levy fees on a personal bond or supervision would allow the agency to partially offset its costs. Flexibility in the fee requirements would permit a court to choose a standard fee for defendants released on a personal bond or a supervision fee. Finally, judicial supervision of the agency would allow for closer coordination between the courts and the agency's operations. S.B. 799 would authorize a court to assess either a personal bond fee or a supervision fee for a pretrial service agency and allow a commissioners court to authorize a district or county court to participate in managing the agency.

### **PURPOSE**

As proposed, S.B. 799 authorizes a court to assess either a personal bond fee or a supervision fee for a pretrial service agency and to authorize a commissioners court to permit a district or county court to participate in supervising a pretrial service agency.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Article 17.031(b), Code of Criminal Procedure, to provide that if there is a pretrial services office, rather than a personal bond office, in the county from which the warrant for arrest was issued, the court releasing the defendant will forward a copy of the personal bond to the pretrial services office, rather than the personal bond office, in that county. Makes a nonsubstantive change.

SECTION 2. Amends Article 17.42, Code of Criminal Procedure, as follows:

#### Art. 17.42. New heading: PRETRIAL SERVICES OFFICE

Sec. 1. Authorizes certain courts to establish a pretrial services office, rather than a personal bond office, to gather and review information about an accused that may have a bearing on whether the accused will comply with the conditions of bail, rather than a personal bond, and report the office's findings to a certain court having criminal jurisdiction, rather than report to the court before which the case is pending. Authorizes a pretrial services program, including a program that requires testing for controlled substances, to supervise a person released on a bond or to supervise a defendant under community supervision. Makes a nonsubstantive change.

Sec. 2. Entitles certain district and statutory judges served by a pretrial services office to participate in the management of the office, with the approval of the commissioners court that created the office. Requires the commissioners court or the judges of a district that establishes or participates in the office to employ a director for the office. Makes conforming changes.

Sec. 4. Requires a court to assess a personal bond fee of \$30, rather than the greater of \$20 or three percent of the amount of the bail fixed for the accused, if a court releases an accused on personal bond based on a report received from a pretrial services office, rather than release on the recommendation of a personal bond office. Requires the court to levy a fee between \$25 and \$40

per month that a defendant is under the supervision of a pretrial services office. Authorizes the court to impose certain conditions when assessing a fee. Authorizes the court to charge the defendant the costs incurred by the services office and to use electronic monitoring, urinalysis, an interlock ignition device, or other monitoring services. Makes conforming changes.

Sec. 5. Makes conforming changes.

Sec. 6. Makes conforming changes.

SECTION 3. Repealer: Article 17.03(g), Code of Criminal Procedure (Personal bond).

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 1999.

SECTION 6. Emergency clause.