

## **BILL ANALYSIS**

Senate Research Center  
76R13035 T

C.S.S.B. 799  
By: Ellis  
Jurisprudence  
4/27/1999  
Committee Report (Substituted)

### **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. C.S.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, C.S.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 persons released on a personal, cash, or surety bond.

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. Provides that if a court uses the pretrial services office to release a defendant on personal bond or to provide supervision of a defendant released on a personal, cash, or surety bond, the court shall assess either a personal bond fee or a supervision fee for a defendant released on personal bond, or may assess a supervision fee for a defendant released on surety or cash bond. Sets forth the fee structure for the supervision fee under Subsection (a). Authorizes the court to

impose certain conditions when assessing a fee. Authorizes the court to charge the defendant the costs incurred by the pretrial services office and to use electronic monitoring, or testing for controlled substances, with 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.

### **SUMMARY OF COMMITTEE CHANGES**

SECTION 2.

Amends Article 17.42, Code of Criminal Procedure, to remove proposed provisions that authorize a pretrial services office to supervise defendants placed on community supervision; to remove proposed provisions that authorized a program that tests for controlled substances to supervise persons released on a bond or on community supervision; to provide guidelines for a court that uses the pretrial services office; to remove proposed fee structure; and to include testing for controlled substances as a cost incurred by a pretrial services office. Makes conforming changes.