

BILL ANALYSIS

Senate Research Center
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S.B. 1553
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Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

As proposed, S.B. 1553 requires a judge or magistrate to make certain findings before authorizing a person to be released on personal bond. The bill authorizes only a district judge to release on personal bond a person who is charged with a felony and provides that persons charged with certain serious felonies are not eligible for release on such bond. The bill also requires the presiding judge of the district to establish a set of eligibility criteria required to be met before a person is authorized to be released on such bond in order to bring uniformity to such criteria. And the bill, in order to address jail overcrowding that often results from waiting on the judge to set bail amounts, requires the judge of each county to adopt a schedule of acceptable bail amounts for each offense. The judge would be authorized to set a different amount, if necessary, in a particular case.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 17.03, Code of Criminal Procedure, by amending Subsections (a), (b), and (c) and adding Subsections (b-1) and (b-2), as follows:

(a) Requires a judge or magistrate to make certain findings set forth in this subsection before releasing a defendant on personal bond. Makes conforming and nonsubstantive changes.

(b) Provides that only a district judge is authorized to release on personal bond a defendant charged with a felony and prohibits such release of a defendant charged with certain offenses set forth in this subsection. Adds offenses under Section 22.011 (Sexual Assault) to the offenses a defendant may be charged with that prohibit such release. Deletes offenses under Section 22.03 (Deadly Assault on Law Enforcement or Corrections Officer, Member or Employee of Board of Pardons and Paroles, or Court Participant) from the offenses a defendant may be charged with that prohibit such release.

(b-1) Creates this subsection from existing text of Subsection (b). Provides that only the court before whom the case is pending is authorized to release on personal bond a defendant charged with a certain offense or who refuses to submit to drug testing as set forth in this subsection.

(b-2) Requires the presiding judge of the district, with the approval of the commissioners court of each county in the district, to establish a set of eligibility criteria for a defendant charged with a misdemeanor to be released on personal bond. Authorizes the criteria to be more restrictive, but not less restrictive, than the criteria for such release described by Subsection (a).

(c) Makes conforming changes.

SECTION 2. Amends Article 17.031(a), Code of Criminal Procedure, to make conforming and nonsubstantive changes.

SECTION 3. Amends Chapter 17, Code of Criminal Procedure by adding Article 17.149, as follows:

Art. 17.149. BAIL SCHEDULE. Requires the judges of the county courts in each county with criminal jurisdiction to adopt a schedule of preapproved bail amounts for all misdemeanor offenses pending in the county. Requires the judges of the district courts in each district to adopt a such a schedule for all felony offenses pending in the district. Authorizes a defendant to secure release from jail on the posting of a preapproved bail amount unless, after considering the factors described by Subdivisions (3) (the nature and circumstances of the offense), (4) (the ability to make bail), and (5) (the future safety of the victim of the alleged offense), Article 17.15, a judge or magistrate enters an order modifying the acceptable bail amount for that case, in which case the defendant is required to post bail in the modified amount to secure release.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2007.