

BILL ANALYSIS

Senate Research Center

S.B. 1506
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Criminal Justice
9/3/2009
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1506 amends current law regarding payment for costs relating to pretrial conditions of bond. Particularly, this bill addresses electronic monitoring and testing for controlled substances. Both of these elements have costs associated with them, in terms of equipment and analysis. The bill includes payment of these costs as conditions of bond or as assessed court fees. Currently, state and local authorities incur these costs because there is no authority to place sanctions on a defendant who fails to pay such costs. This bill grants a magistrate the authority to consider the failure to comply with conditions in determining the revocation of bond. Also, these costs could be assessed as court fees.

This bill seeks to secure payment for costs associated with electronic monitoring and controlled substances testing where they are directly associated with conditions of bond. Because of the lack of authority on these costs, state and local authorities are left with costs that go unpaid and undermine the system's efficiency.

S.B. 1506 amends current law relating to the payment of the costs associated with certain bonds.

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 17.44, Code of Criminal Procedure, by amending Subsection (c) and adding Subsection (e), as follows:

(c) Authorizes the magistrate to revoke the bond and order the defendant arrested if the defendant fails to pay the costs of monitoring or testing for controlled substances, if payment is ordered under Subsection (e) as a condition of bond and the magistrate determines that the defendant is not indigent and is financially able to make the payments as ordered. Makes nonsubstantive changes.

(e) Authorizes the cost of electronic monitoring or testing for controlled substances under this article to be assessed as court costs or ordered paid directly by the defendant as a condition of bond.

SECTION 2. Effective date: September 1, 2009.