

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1506
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Criminal Justice
4/17/2009
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

C.S.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. In this manner these costs can be properly recuperated. 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. In order to keep bond, individuals would feel compelled to render payment for those services directly linked to their conditions for bond. Also, when these costs are assessed as court fees, the appropriate avenue for recuperating these costs would be identified.

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 burden the system's efficiency. This bill seeks to remedy these issues.

C.S.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. Deletes existing text authorizing the magistrate to revoke the bond and order the defendant arrested. 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.