BILL ANALYSIS

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, law enforcement officers are unable to access Conditions of Bond (COB) information that has been issued by judges in order to protect survivors of domestic violence when an offender is released on bond. A "no contact" order is usually given as a condition of the bond in domestic violence-related cases to protect survivors and witnesses during the pretrial process.

Law enforcement officers cannot enforce Conditions of Bond because of the inability to verify its mandates within the Texas Crime Information Center (TCIC). As a result of the lack of accessible information on conditions, survivors, law enforcement, and the community remain at risk, and the offender has no accountability.

TCIC currently provides law enforcement officers with valuable data regarding the stolen status of property as well as information on whether an individual is wanted, is missing, is a sex offender, or is the respondent of a protective order. Law enforcement can access this information within seconds, 24 hours a day, seven days a week, through the Texas Law Enforcement Telecommunications System.

Prosecutors, judges, and survivors have reported that Texas law enforcement has difficulty in verifying Conditions of Bond immediately after a violation is committed by an offender. In many cases, survivors are not even made aware when conditions are placed for their protection due to lack of victim notification requirement in the current statute.

If passed, S.B. 1804 calls for Conditions of Bond to be entered into TCIC as a standalone record that is easily accessible to law enforcement, and sees that victims be notified of such conditions for their protection. Accordingly, S.B. 1804 provides direct language for the entry of Conditions of Bond into TCIC with requirements of specific information fields and a process to notify survivors when offenders are released on bond. This legislation provides law enforcement and the community added protection when an offender has violated their condition of bond and allows victims in family violence cases the appropriate protection they should be provided under law. (Original Author's/Sponsor's Statement of Intent)

S.B. 1804 amends current law relating to public health and safety and authorizes the imposition of a tax.

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 17.49, Code of Criminal Procedure, by adding Subsections (m), (n), (o), (p), (q), (r), (s), and (t), as follows:

> (m) Requires the magistrate, as soon as possible but not later than the next business day after the date the magistrate issues an order imposing a condition of bond or modifying or removing a condition imposed under this article (Conditions For Defendant Charged

With Offense Involving Family Violence), to send a copy of the order to the appropriate attorney representing the state and either to chief of police in the municipality where the victim of the offense resides, if the victim resides in a municipality, or to the sheriff of the county where the victim resides, if the victim does not reside in a municipality. Requires the clerk of the court to send a copy of the order to the victim at the victim's last known address as soon as possible but not later than the next business day after the date the order is issued.

(n) Authorizes a magistrate or clerk of the court to delay sending a copy of the order under Subsection (m) only if the magistrate or clerk lacks information necessary to ensure service and enforcement.

(o) Requires the magistrate, if an order described by Subsection (m) prohibits a defendant from going to or near a child care facility or school, to send a copy of the order to the applicable child care facility or school.

(p) Authorizes the copy of the order and any related information to be sent under Subsection (m) or (o) electronically or in another manner that can be accessed by the recipient.

(q) Requires the magistrate, if the victim of the offense is not present when an order described by Subsection (m) is issued, to order a peace officer to make a good faith effort to provide notice of the order to the victim within 24 hours by calling the victim's last known phone number.

(r) Requires the law enforcement agency, not later than the third business day after the date of receipt of the copy of an order described by Subsection (m) by the applicable law enforcement agency, to enter the following information into the statewide law enforcement information system maintained by the Department of Public Safety of the State of Texas (DPS) or to modify or remove that information, as appropriate:

> (1) the information listed in Section 411.042(b)(6) (relating to a requirement of the bureau of identification and records to collect certain information relating to protective orders), Government Code, as that information relates to an order issued under this article;

> (2) the date the order releasing the defendant on bond was issued; and

> (3) the court that issued the order releasing the defendant on bond.

(s) Requires the law enforcement agency to enter the information described by Subsection (r) into the statewide law enforcement information system maintained by DPS:

> (1) in the same manner that the agency enters the information into the system for a protective order or magistrate order of emergency protection; and

> (2) regardless of whether a protective order or magistrates order of emergency protection:

>> (A) has been issued or has been entered into the system with respect to the defendant; or

>> (B) protects the same person as a condition of bond in an order described by Subsection (m).

(t) Requires DPS to modify the DPS statewide law enforcement information system to:

(1) enable the system to accept and maintain detailed information regarding the requirements and status of a condition of bond imposed under this article, including information described by Subsection (r), so that a peace officer may:

(A) easily and quickly search the system by one or more criteria related to the information described by Subsection (r), including the name of the defendant on whom the condition is imposed; and

(B) retrieve the information necessary to enforce the condition of bond or prevent a violation of the condition; and

(2) ensure that a person who accesses the system for the purpose of entering, modifying, or removing information that relates to a condition of bond imposed under this article may add or remove notes regarding the condition, the defendant on whom the condition is imposed, or the person protected by the condition.

SECTION 2. Amends Subchapter A, Chapter 772, Government Code, by adding Section 772.0077 as follows:

Sec. 772.0077. GRANT PROGRAM FOR MONITORING DEFENDANTS AND VICTIMS IN FAMILY VIOLENCE CASES. (a) Defines "criminal justice division" and "family violence" for purposes of this section.

(b) Requires the criminal justice division to establish and administer a grant program to reimburse counties for all or part of the costs incurred by counties as a result of monitoring in cases involving family violence defendants and victims who participate in a global positioning monitoring system under Article 17.292 (Magistrate's Order For Emergency Protection) or 17.49, Code of Criminal Procedure. Authorizes a grant recipient to use funds from a grant awarded under the program only for monitoring conducted for the purpose of restoring a measure of security and safety for a victim of family violence.

(c) Requires the criminal justice department to establish certain criteria and procedures related to grant applications.

(d) Requires the criminal justice division to include in the biennial report required by Section 772.006(a)(9) (relating to requiring the criminal justice division to submit a biennial report to the legislature reporting the division's activities during the preceding biennium including the comprehensive state criminal justice plans and other studies, evaluations, crime data analyses, reports, or proposed legislature that the governor determines appropriate or the legislative requests) a detailed reporting of the results and performance of the grant program administered under this section.

(e) Authorizes the criminal justice division to use only revenue available for purposes of this section.

SECTION 3. Amends Section 1061.151(b), Special District Local Laws Code, to read as follows:

(b) Requires that the proposed budget for the Midland County Hospital District (district) contain a complete financial statement of certain information, including the estimated ad valorem tax required.

SECTION 4. Amends the heading to Subchapter F, Chapter 1061, Special District Local Laws Code, to read as follows:

SUBCHAPTER F. AD VALOREM TAXES

SECTION 5. Amends Chapter 1061, Special District Local Laws Code, by adding Subchapter G, as follows:

SUBCHAPTER G. SALES AND USE TAX

Sec. 1061.301. TAX AUTHORIZED. (a) Authorizes the district to adopt, change the rate of, or abolish a sales and use tax at an election held in the district.

(b) Prohibits the district from adopting a tax under this subchapter or increasing the rate of the tax if as a result of the adoption of the tax or the tax increase the combined rate of all sales and use taxes imposed by the district and all other political subdivisions of this state having territory in the district would exceed two percent in any location in the district.

Sec. 1061.302. APPLICABILITY OF OTHER LAW. Provides that, except to the extent that a provision of this subchapter applies, Chapter 323 (County Sales and Use Tax Act), Tax Code, applies to a tax authorized by this subchapter in the same manner as that chapter applies to the tax authorized by that chapter.

Sec. 1061.303. TAX RATE; CHANGE IN RATE. (a) Authorizes the district to impose a tax authorized by this subchapter in increments of one-eighth of one percent, with a minimum rate of one-eighth of one percent and a maximum rate of two percent.

(b) Authorizes the district to increase the rate of a tax authorized by this subchapter to a maximum of two percent or decrease the rate of the tax to a minimum of one-eighth of one percent if the change is approved by a majority of the voters of the district at an election called for that purpose.

Sec. 1061.304. ELECTION PROCEDURE. Provides that an election to adopt, change the rate of, or abolish a tax authorized by this subchapter is called by the adoption of an order of the board. Authorizes the board to call an election on its own motion and requires the board to call an election if a number of qualified voters in the district equal to at least five percent of the number of registered voters in the district petitions the board to call the election.

Sec. 1061.305. ELECTION IN OTHER TAXING AUTHORITY. (a) Defines "taxing authority" in this section.

(b) Provides that, if the district is included within the boundaries of another taxing authority and the adoption or increase in the rate of a tax under this subchapter would result in a combined tax rate by the district and other political subdivisions of this state of more than two percent at any location in the district, an election to approve or increase the rate of the tax has no effect unless:

(1) one or more of the other taxing authorities holds an election in accordance with the law governing that authority on the same date as the election under this subchapter to reduce the tax rate of that authority to a rate that will result in a combined tax rate by the district and other political subdivisions of not more than two percent at any location in the district; and

(2) the combined tax rate is reduced to not more than two percent as a result of that election.

(c) Provides that this section does not permit a taxing authority to impose taxes at differential tax rates within the territory of the authority.

Sec. 1061.306. TAX EFFECTIVE DATE. (a) Provides that the adoption, change in the rate of, or abolition of a tax under this subchapter takes effect on the first day of the first calendar quarter occurring after the expiration of the first complete calendar quarter occurring after the date on which the comptroller receives notice of the results of an election to adopt, change the rate of, or abolish the tax.

(b) Authorizes the effective date, if the comptroller determines that an effective

date provided by Subsection (a) will occur before the comptroller can reasonably take the action required to begin collecting the tax or to implement the change in the rate of the tax or the abolition of the tax, to be extended by the comptroller until the first day of the next calendar quarter.

Sec. 1061.307. USE OF TAX REVENUE. Authorizes revenue from a tax imposed under this subchapter to be used by the district for any purpose of the district authorized by law.

SECTION 6. Amends Section 26.012(1), Tax Code, to read as follows:

(1) Redefines "additional sales and use tax" to include a hospital district, other than a hospital district that imposes the sales and use tax under Subchapter G, Chapter 1061, Special District Code Laws Code.

SECTION 7. Provides that, notwithstanding Section 1(b), Chapter 790 (H.B. 2662), Acts of the 85th Legislature, Regular Session, 2017, Section 401.207(g), Health and Safety Code, as amended by that Act, takes effect September 1, 2021.

SECTION 8. Provides that, notwithstanding Section 3(b), Chapter 790 (H.B. 2662), Acts of the 85th Legislature, Regular Session, 2017, Section 401.2445, Health and Safety Code, as added by that Act, takes effect September 1, 2021.

SECTION 9. Effective date: September 1, 2019.