

BILL ANALYSIS

Senate Research Center

H.B. 1385
By: Moody (King)
Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Many counties in Texas operate pretrial services offices that assess whether a defendant qualifies for a personal bond, recommend bond conditions to magistrates, and monitor a defendant's compliance with bond conditions pending the resolution of their charges. Timely access to accurate criminal history information allows these offices to accurately assess the appropriate bond conditions to recommend at magistration and track criminal justice-related trends. In the past, the Department of Public Safety of the State of Texas (DPS) provided criminal history record information to pretrial services offices but has recently stopped because of a change in the agency's statutory interpretation.

H.B. 1385 provides a technical correction on this issue and explicitly requires DPS to share this critical information with pretrial services offices, including community supervision and corrections departments and personal bond offices.

Benefits

- The monitoring performed by pretrial services offices helps to track recidivism rates and contributes to quantitative research on justice involvement.
- The information derived from these efforts provides invaluable data for evidence-based policymaking on criminal justice issues.

H.B. 1385 amends current law relating to access to criminal history record information by county offices providing pretrial release services.

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 Sections 411.083(b) and (c), Government Code, as follows:

(b) Requires the Department of Public Safety of the State of Texas (DPS) to grant access to criminal history record information to certain entities, including a county office monitoring the pretrial release of a defendant, including a community supervision and corrections department established for one or more counties under Chapter 76 (Community Supervision and Corrections Department) or a personal bond office established for one or more counties under Article 17.42 (Personal Bond Office), Code of Criminal Procedure. Makes nonsubstantive changes.

(c) Authorizes DPS to disseminate criminal history record information under Subsection (b)(1) (relating to requiring DPS to grant access to criminal history record information to criminal justice agencies) or (8) only for a criminal justice purpose. Makes conforming changes.

SECTION 2. Effective date: September 1, 2023.