

BILL ANALYSIS

Senate Research Center
88R3898 MPF-D

H.B. 767
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Criminal Justice
4/28/2023
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Legislation passed by the 87th Texas Legislature required entry into the Texas Crime Information Center (TCIC) of information regarding conditions of bond for certain violent offenses. Currently, stalking is not included among the offenses subject to this requirement. By including stalking in the list of offenses subject to this requirement, victims of stalking would be notified after a defendant is released on bond and when conditions of bond are imposed by a magistrate, which would help improve victim safety and help reduce the likelihood of retaliatory acts. H.B. 767 seeks to provide for the inclusion of conditions of bond imposed for stalking into TCIC.

Key Provisions:

- Amends the Code of Criminal Procedure to provide for the entry into the TCIC database of information relating to the imposition of a condition of bond on a defendant in cases involving stalking. Accordingly, the bill expands the applicability of provisions that do the following:
 - Govern the entry of information into TCIC regarding conditions of bond imposed for violent offenses.
 - Establish the duties of magistrates, sheriffs, court clerks, and the Department of Public Safety related to the entry of that information.
- The bill's provisions apply only to a condition of bond imposed on or after the bill's effective date.

H.B. 767 amends current law relating to the entry into the Texas Crime Information Center of certain information regarding conditions of bond for stalking offenses.

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 the heading to Article 17.50, Code of Criminal Procedure, to read as follows:

Art. 17.50. ENTRY INTO TEXAS CRIME INFORMATION CENTER OF CERTAIN INFORMATION IN CASES INVOLVING VIOLENT OFFENSES OR STALKING; DUTIES OF MAGISTRATES, SHERIFFS, AND DEPARTMENT OF PUBLIC SAFETY.

SECTION 2. Amends Articles 17.50(b) and (f), Code of Criminal Procedure, as follows:

(b) Requires the magistrate, as soon as practicable but not later than the next day after the date a magistrate issues an order imposing a condition of bond on a defendant under Chapter 17 (Bail) for an offense under Section 42.072 (Stalking), Penal Code, to notify the sheriff of the condition and provide to the sheriff certain information.

(f) Makes a conforming change to this subsection.

SECTION 3. Makes application of Article 17.50, Code of Criminal Procedure, as amended by this Act, prospective.

SECTION 4. Effective date: September 1, 2023.