

SUBJECT: Designating courts to decide release on personal bond

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 5 ayes — Keel, Riddle, Ellis, Hodge, Talton
0 nays

4 absent — Denny, Dunnam, P. Moreno, Pena

WITNESSES: For — Bruce Carr, Harris County Sheriff's Office; Roger Moore, Bail Agents of Allegheny Casualty Co and International Fidelity Ins. Co.
Against — Shannon Edmonds, Texas District and County Attorneys Association

BACKGROUND: Code of Criminal Procedure art. 17.03 authorizes magistrates, at their discretion, to release criminal defendants on personal bond. Defendants charged with certain crimes may be released on personal bond only by the court before which the case is pending. This restriction applies to persons charged with capital murder; aggravated kidnaping; aggravated sexual assault; injury to a child, elderly individual, or disabled individual; aggravated robbery; burglary; engaging in organized criminal activity; or certain drug-related felonies under the Health and Safety Code.

DIGEST: HB 1300 would require that persons accused of murder, manslaughter, criminally negligent homicide, and intoxication manslaughter be released on personal bond only by the court before which the case is pending.

The bill would take effect September 1, 2003.

SUPPORTERS SAY: HB 1300 would ensure that only a judge who was familiar with the case made the decision about releasing on personal bond defendants accused of serious crimes. Currently, persons accused of crimes such as murder or manslaughter can be released on personal bond by any court, not just the one before which the case is pending. This means that a judge who might not be familiar with the case could make an ill-informed decision to release a defendant who

might be a danger to the public. Currently, a judge who has the case pending could disagree with a release decision but would have no say in the deliberation. The four crimes that HB 1300 would add to the current statute are serious, and decisions about releasing defendants accused of these crimes should be made only by the judge who best understood each case.

HB 1300 would not slow down the criminal justice system or overload individual judges. Judges making the bond decision in these cases already would have the case in their courts. Making these decisions would not necessarily involve long, drawn out, trial-like hearings. If an individual judge had to spend a little extra time to make bond decisions in these additional cases, decisions in other cases involving personal bonds could be made by other courts.

**OPPONENTS
SAY:**

HB 1300 excessively would expand the list of offenses that required decisions about release on personal bond to be made by specific courts. This would slow down the criminal justice system and could overload certain judges who might have to take part in numerous bond decisions when their time might be better spent tending to their dockets. The criminal court system should retain its current flexibility to have any court make most personal bond decisions.

Not all of the offenses that would be added to the list by HB 1300 are serious enough to warrant the resulting restrictions. For example, criminally negligent homicide could involve a car wreck that is not on par with crimes like capital murder or aggravated sexual assault.