

SUBJECT: Entering information on conditions of bond for violent offenses in TCIC

COMMITTEE: Homeland Security and Public Safety — committee substitute recommended

VOTE: 9 ayes — White, Bowers, Goodwin, Harless, Hefner, E. Morales, Patterson, Schaefer, Tinderholt

0 nays

WITNESSES: For — Kyle Zulkowski, College Station Police Department; (*Registered, but did not testify*: Jennifer Szymanski, CLEAT; M Paige Williams, Dallas County District Attorney John Creuzot; Frederick Frazier, Dallas Police Association and State FOP; James Parnell, Dallas Police Association; Chad Bridges, Fort Bend County DA's Office; David Sinclair, Game Warden Peace Officers Association; Tom Nobis, Harris County Republican Party; Noel Johnson, JPCA; Carlos Lopez and Jama Pantel, Justices of the Peace and Constables Association of Texas; Ken Shetter, One Safe Place; Jimmy Rodriguez, San Antonio Police Officers Association; David Scott, TCFV; Katherine Strandberg, Texas Association Against Sexual Assault (TAASA); Gyl Switzer and Louis Wickers, Texas Gun Sense; Mitch Landry, Texas Municipal Police Association; Thomas Parkinson)

Against — None

On — Brian Hawthorne, Sheriffs Association of Texas; (*Registered, but did not testify*: AJ Louderback, Sheriffs Association of Texas)

DIGEST: CSHB 755 would require a magistrate that issued an order imposing a condition of bond on a defendant for certain violent offenses to notify the sheriff of the condition and provide the sheriff with:

- certain information related to conditions of bond imposed for the protection of victims in any family violence, sexual assault or abuse, indecent assault, stalking, or trafficking case;

- the name and address of any person the condition of bond was intended to protect and, if different, the name and address of the victim of the alleged offense;
- the date the order releasing the defendant on bond was issued; and
- the court that issued the order.

The magistrate would have to provide the information within one day of the order being issued.

The sheriff would have to enter the information by the next business day into the statewide law enforcement information system maintained by the Department of Public Safety (DPS), also known as the Texas Crime Information Center (TCIC). The sheriff also would have to make a good faith effort to notify any named person the condition of bond was intended to protect and, if different, the victim of the alleged offense that the defendant had been released on bond.

The clerk of the court would have to send a copy to any named person the condition of bond was intended to protect and, if different, the victim of the alleged offense by the next business day after the order was issued.

After a magistrate revoked a bond that contained a condition, modified the terms or removed a condition of bond, or disposed of the underlying criminal charges, the magistrate would have to notify the sheriff within one day and provide information to enable the sheriff to modify or remove the record in TCIC. The sheriff would have to take action on the record within one business day.

The bill would apply to conditions of bond imposed on defendants for the following violent offenses:

- murder and capital murder;
- kidnapping and aggravated kidnapping;
- indecency with a child;
- sexual assault and aggravated sexual assault;
- aggravated assault;

- injury to a child, elderly individual, or disabled individual;
- aggravated robbery;
- continuous sexual abuse of a young child or children; or
- any offense involving family violence.

DPS would be required to modify TCIC by December 31, 2021, to enable it to accept and maintain the information required under the bill. DPS also would have to develop and adopt a form for magistrates and sheriffs to facilitate the required data collection and data entry.

The bill would not create liability for any errors or omissions of a sheriff caused by inaccurate information provided to the sheriff by a magistrate.

The bill generally would take effect January 1, 2022. Provisions requiring DPS to modify TCIC would take effect September 1, 2021.

SUPPORTERS
SAY:

CSHB 766 would reduce risk to victims, law enforcement, and other affected parties by ensuring they had access to information on conditions of bond for certain defendants charged with violent crimes, including murder, sexual assault, and family violence. By requiring the entry of such conditions into a statewide database and requiring victims to be notified, the bill would provide victims, law enforcement, and the community with additional protection when a defendant was released on bond.

Conditions of bond are often imposed to protect a victim or other affected person and may restrict the defendant from going to certain locations or coming into contact with the victim or another person. Currently, law enforcement is unable to access information on such conditions in the Texas Crime Information Center (TCIC), which results in officers being unaware a defendant is out on bond with conditions imposed, leaving officers and victims unprotected. By requiring such conditions to be entered into TCIC, just as emergency and protective orders are, CSHB 766 would provide law enforcement with a tool to offer victims and the community additional protection. In many cases, violating a bond condition is an offense that could result in further action by the judge, and having related information accessible in a statewide system would allow

officers to know immediately if conditions exist, what they were, and if an arrest could be made if necessary.

CSHB 766 would minimize the workload impact on sheriffs' offices as it would apply only to conditions of bond for a narrow set of violent crimes, which are not issued in large amounts of cases. The bill appropriately would require sheriffs' offices to receive and enter the conditions of bond into TCIC as information sharing already is established between sheriffs' offices and courts. By requiring a sheriff's office to enter this data into TCIC within one business day after receiving an order from a magistrate, CSHB 766 would provide for timely delivery of the information, which is critical for protecting victims, law enforcement, and the community. Often victims are unaware a defendant is released with conditions on bond, so providing this information quickly would enhance public safety. Additionally, by defining time in business days, the bill would reduce a burden on sheriffs' offices by having data entered only when administrative staff was available.

**CRITICS
SAY:**

CSHB 766 would implement a statewide requirement for sheriffs' offices to enter certain information into TCIC, which could be challenging as sheriffs' offices vary in size, capacity, and resources. In addition, counties likely vary in the volume of orders imposing conditions of bond, and thus, the related data that would have to be entered into TCIC. Getting conditions of bond from the magistrate to personnel at the sheriff's office, entering data accurately into TCIC, and notifying a victim of the release in a timely manner would be a labor intensive process. To help reduce the administrative burden, the bill should increase the time frame for data entry and victim notification from one business day to three business days. A three-day time frame would ensure the requirement of additional entry for conditions of bond was reasonable and accounted for varied departmental capacities. It also would mirror the required time frames for entry of other orders.