

- SUBJECT:** Entering conditions of bond imposed in family violence cases into TCIC
- COMMITTEE:** Homeland Security and Public Safety — favorable, without amendment
- VOTE:** 8 ayes — Nevárez, Paul, Calanni, Clardy, Goodwin, Israel, Lang, Tinderholt
- 0 nays
- 1 absent — Burns
- SENATE VOTE:** On final passage, April 11 — 31-0, on Local and Uncontested Calendar
- WITNESSES:** For — Chad Bridges, Fort Bend County District Attorney's Office; Linda Phan, Texas Council on Family Violence; Erica Wilson; (*Registered, but did not testify*: Chris Jones, Combined Law Enforcement Associations of Texas; James Parnell, Dallas Police Association; Quint Balkcom, Game Warden Peace Officers Association; James Grace Jr., Houston Area Women's Center; Jessica Anderson, Houston Police Department; Ray Hunt, Houston Police Officers Union; James Allen, Manor Police Department; Carl Bowen and AJ Louderback, Sheriffs' Association of Texas; Chris Kaiser, Texas Association Against Sexual Assault; Louis Wichers, Texas Gun Sense; Mitch Landry, Texas Municipal Police Association; Piper Nelson, The SAFE Alliance)
- Against — (*Registered, but did not testify*: Cristina Adams)
- On — (*Registered, but did not testify*: Megan LaVoie, Office of Court Administration; Michelle Farris, Texas Department of Public Safety)
- BACKGROUND:** Code of Criminal Procedure art. 17.49 allows a magistrate to require certain conditions of release on bond for defendants charged with offenses involving family violence, including to refrain from going to or near locations frequented by alleged victims or to wear a global positioning monitoring system device and pay associated costs.

DIGEST:

SB 1804 would require a magistrate to send a copy of an order imposing, modifying, or removing a condition of bond for a defendant charged with an offense involving family violence to the police chief or county sheriff of the city or county in which the victim lived. The magistrate would have to send the copy by the next business day after the date the order was issued.

The clerk of the court also would have to send a copy to the victim's last known address by the next business day after the date the order was issued. If the victim was not present when an order imposing, modifying, or removing a condition of bond was issued, the magistrate would be required to order a peace officer to make an effort to provide notice of the order within 24 hours by calling the victim's last known phone number.

A magistrate or clerk could delay sending a copy only if the magistrate or clerk lacked information necessary to ensure service and enforcement.

If the order prohibited the defendant from going to or near a child care facility or school, the magistrate also would have to send a copy of the order to the applicable facility or school.

A copy of the order could be sent electronically or in another manner that could be accessed by the recipient.

The bill would require the law enforcement agency, within three business days after receiving the copy of the order, to enter certain information into the statewide law enforcement information system maintained by the Department of Public Safety (DPS) or modify or remove that information, as appropriate. The agency would have to enter:

- certain information DPS is required to collect about defendants subject to conditions of bond imposed for the protection of victims in family violence cases;
- the date the order releasing the defendant on bond was issued; and
- the court that issued the order releasing the defendant on bond.

The law enforcement agency would have to enter the information regardless of whether a protective order or magistrate's order of emergency protection had been issued or entered with respect to the defendant or protected the same person as the condition of bond.

DPS would be required to modify the statewide law enforcement information system to enable the system to accept and maintain the information required under the bill so that a peace officer could quickly search and retrieve information necessary to enforce the condition of bond or prevent a violation. DPS also would have to ensure that a person who accessed the system to enter, modify, or remove information could add or remove notes regarding the condition, the defendant, or the protected victim.

The bill would take effect September 1, 2019.

**SUPPORTERS
SAY:**

SB 1804 would address concerns that victims, law enforcement officers, and other affected parties lack access to information on conditions of bond for certain offenders convicted of domestic violence and other family violence offenses. By requiring the entry of certain conditions of bond information into the Texas Crime Information Center (TCIC) and setting certain victim notification requirements, the bill would provide victims, law enforcement, and the community with additional protection when an offender has violated a condition of bond.

The bill would require information on conditions of bond to be entered into TCIC as a standalone record that was easily accessible to law enforcement. Under current law, officers are unable to access information on conditions of bond issued to protect survivors of family violence, making it difficult to verify if a violation occurred. However, TCIC currently allows law enforcement officers to access other valuable data within seconds, including information on whether an individual is wanted, missing, a sex offender, or is the respondent of a protective order. Giving officers the same access to information on conditions of bond would better enable officers to verify conditions of bond and enforce them, which in turn would help protect victims, law enforcement officers, and

communities.

Since conditions of bond, magistrate's orders of emergency protection, and final protective orders are similar types of orders, the time frame for entry into TCIC of conditions of bond for family violence offenses should mirror the statutorily required time frames for entry of the other orders. Law enforcement already is accustomed to the three-day time frame, and departments are already encouraged to enter these orders as soon as possible. By conforming to the other time frames, the bill also would ensure that the requirement of additional entry for conditions of bond was reasonable and accounted for the varied departmental capacities. As there currently is no requirement for entry of conditions of bond in family violence cases into TCIC, this bill would represent a step forward for safety.

**OPPONENTS
SAY:**

Although SB 1804 would put necessary procedures in place for the protection of victims of family violence, the time frame for law enforcement agencies to enter information into TCIC should be decreased in order to better protect victims and law enforcement officers responding to calls. The bill requires information on an order issuing conditions of bond to be entered into the system within three business days; however, some have voiced concerns that defendants could be most dangerous during the period immediately after the order was issued. The success of the bill would depend on how quickly law enforcement agencies enter the information.