These HB766 and SB6 red-line efforts are to simplify the law, remove conflicting requirements and establish more efficiency in the process while balancing the intent of this legislation.

BACKGROUND

Counties across Texas now must:

1. pull criminal history from 2 different databases (TLETS and the Public Safety Reporting System), and
2. enter all Misdemeanor B and higher bond conditions manually into 2 additional databases (TLETS and Public Safety Reporting System). Our own court systems only require attachments of court orders with this content, while these new requirements are for entry into systems that don't accept a PDF attachment, instead requiring time-intensive, error-prone data entry.

CHANGES MADE IN RED-LINED DOCUMENT

Article 17.021

Supplemented with additional criminal history sentencing information magistrate would like to see included in the public safety report.

Explicitly included unwritten requirement that OCA must comply with all expunctions orders as they relate to the content in the Public Safety Reporting System.

Article 17.021 and Article 17.027

Added wording to require electronic automation of the SB6 requirement to provide notice of the new felony charge to an out of county court when an individual with a pending felony in that court subsequently commits a new felony in a different county than the previous offense. The Public Safety Reporting system already has all courts set up within it and is the system that notifies a magistrate when this situation occurs.   As such, it makes sense to require the system to handle this communication, instead of every court in Texas attempting to offline find the contact information for every other court in Texas and send via email the information already contained in the Public Safety Reporting System.

Article 17.022

Updated the allowable time the Public Safety Reporting System could be down while still requiring its use in the criminal justice process. Times reflect a more relevant correlation with the legal limits on probable cause determination and bail setting, especially when consideration is given that only a few counties are large enough to hold more than one or two of these types of dockets per day. System downtime for misdemeanor charges was changed from 12 hrs to 1 hr. System downtime for felony charges changed from indefinite to 4 hrs.

Article 17.50 / 17.51 / 17.52

Blended SB6 and HB766 wording with respect to bond conditions and updates to those conditions being communicated to the Sheriff and entered by the Sheriff into TLETs. Essentially, most of Art 17.51 and all of Art 17.52 are incorporated into Art 17.50 with the removal of conflicting intentions. HB766 dealt with "violent" charges, while SB6 addressed all Misdemeanor B and higher charges. The conflicting language has been resolved regarding a) which Sheriff the Magistrate must notify and b) which Sheriff must perform the data entry in TLETs (eliminating confusion and duplication of entries in TLETS).

In blending these sections, HB766's violent charges were selected as the meaning for what should be entered into TLETS. This balances value to law enforcement officer on the street with the significant effort to maintain the content added by the 2021 new legislation, while focusing on those charges where public, police or victim endangerment might be an issue.

Some might argue, and we would agree, that unless the bond condition violation is an arrestable violation per Section 25.07 Penal Code (violation of certain court orders or conditions of bond in a family violence, child abuse or neglect, sexual assault or abuse, indecent assault, stalking or tracking case), the conditions should not be entered into TLETS.

Clarified additional form field space is needed for bond conditions in TLETS. Currently, DPS has adapted the TLETS database to have 1 field with a maximum of 350 characters to hold all bond conditions related to an individual. This is insufficient, especially with Defendants who are repeat offenders of many types of charges. The bond conditions associated with a DWI are very different than sexual assault of a child. Currently, there isn't enough space to include even one complete set of conditions; thus, all vowels are removed and words shortened to attempt to fit them in the limited space. When a modification occurs for conditions under one arrest, this situation makes it very difficult to find the "words" that represent the modification that needs to be made.

Also, DPS has established a field for the bond condition expiration date. Bond conditions don't have expiration dates. They go away if the charge is not filed, indicted or refused by the DA, or else when the case is disposed. This further complicates having all sets of bond conditions in 1 field for differing dates of issuance. We understand many Agencies are not removing bond conditions from TLETS at all in many of these scenarios. This results in law enforcement not being able to rely on the information in TLETS to be current. As such, maybe an expiration date is appropriate to at least make inactive aged content.

Note that some law enforcement agencies are arresting individuals on violations of the bond conditions entered into TLETS, even though the violation does not meet the criteria for or constitute an offense under Penal Code 25.07 Violations of Certain Court Orders or Conditions of Bond.

Since DPS has made many Defendant identifier fields required in order to the entry of bond conditions (and EPOs, for that matter), those with missing information cannot being entered in TLETS. If an arresting agency did not include the address of a victim/protected party, a magistrate has limited information available to provide for the TLETS entry. It seems that it would be better to not require all Defendant identifiers and addresses of protected parties, as having partial information in TLETS seems better than none.

Sec. 72.038

Currently, extensive effort is put into documenting bond conditions issued into the Public Safety Reporting system, while the use of this information is limited to a "Y" or "N" being displayed on the OCA public-visible webpage. Often bond conditions contain victim or protected party names and address information, so OCA's solution makes sense. What is unclear is the need for the entry of all bond conditions (and their subsequent modifications) into the Public Safety Reporting System. Changes were made to reflect just a checkbox noting whether bond conditions of bail were issued, just like OCA is making visible publicly.

Explicitly stated that the Bail Form in the Public Safety Reporting System does not have to be updated for subsequent modifications. The SB6 requirement for documentation in a Bail Form was intended to provide visibility to initial bail setting. SB6 does not require modifications to be entered, but OCA has issued guidance stating this is required.