

Chapter 1011

H.B. No. 1442

1 AN ACT
2 relating to the release of certain defendants pending a motion for
3 new trial or an appeal from a misdemeanor conviction.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Article 44.04, Code of Criminal Procedure, is
6 amended by adding Subsection (i) to read as follows:

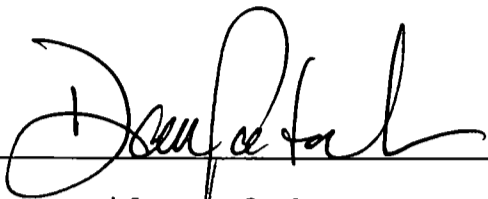
7 (i) Notwithstanding any other law, pending the
8 determination of a defendant's motion for new trial or the
9 defendant's appeal from a misdemeanor conviction, the defendant is
10 entitled to be released after completion of a sentence of
11 confinement imposed for the conviction. The trial court may require
12 the defendant to give a personal bond but may not, either instead of
13 or in addition to the personal bond, require:

14 (1) any condition of the personal bond;

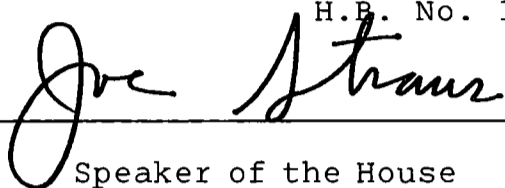
15 (2) another type of bail bond; or

16 (3) a surety or other security.

17 SECTION 2. This Act takes effect September 1, 2017.



President of the Senate

H.B. No. 1442


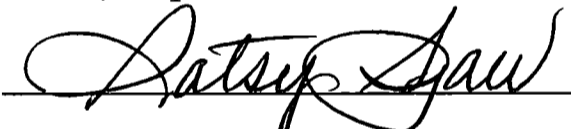
Speaker of the House

I certify that H.B. No. 1442 was passed by the House on May 2, 2017, by the following vote: Yeas 144, Nays 0, 2 present, not voting.



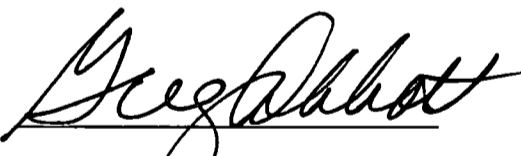
Chief Clerk of the House

I certify that H.B. No. 1442 was passed by the Senate on May 19, 2017, by the following vote: Yeas 31, Nays 0.




Secretary of the Senate

APPROVED: 6-13-2017
Date



Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3 PM O'CLOCK
JUN 15 2017


Secretary of State

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 8, 2017

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1442 by Wu (Relating to the release of certain defendants pending a motion for new trial or an appeal from a misdemeanor conviction.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to provide that, pending the determination of a defendant's motion for a new trial or the resolution of a defendant's appeal from a misdemeanor conviction, the defendant must be released after completion of the sentence of confinement for the conviction and would allow the trial court to require the defendant to give a personal bond, but would not allow the trial court to require any condition of the personal bond, any other type of bail bond, or any other surety or security. Based on the analysis of the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

According to the Office of Court Administration, no significant fiscal impact on local courts is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: UP, KJo, ZB, GDz, JGA

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

March 30, 2017

TO: Honorable Joe Moody, Chair, House Committee on Criminal Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1442 by Wu (Relating to the release of certain defendants pending a motion for new trial or an appeal from a misdemeanor conviction.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to provide that, pending the determination of a defendant's motion for a new trial or the resolution of a defendant's appeal from a misdemeanor conviction, the defendant must be released after completion of the sentence of confinement for the conviction and would allow the trial court to require the defendant to give a personal bond, but would not allow the trial court to require any condition of the personal bond, any other type of bail bond, or any other surety or security. Based on the analysis of the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

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