

SENATE JOURNAL

EIGHTY-SEVENTH LEGISLATURE — FIRST CALLED SESSION

AUSTIN, TEXAS

PROCEEDINGS

SECOND DAY

(Continued)

(Tuesday, July 13, 2021)

AFTER RECESS

The Senate met at 10:19 a.m. and was called to order by the President.

Senator Lucio offered the invocation as follows:

Lord our God, strengthen in us all that comes from You and is eternal, all that is good and right and genuine. Let this shape our outward life and help us triumph over need and death. Help us to wait quietly, even when we don't know the answers to our questions, because we are certain that the outcome will be good and life-giving, to the glory of Your spirit and Your name. We entrust ourselves to Your hands. Stay with us that we may receive Your calling for our lives. Stay with us so that in all our work and activity we may be aware of Your guiding spirit at work in our hearts. Amen.

SENATE RULES SUSPENDED

(Posting Rules)

Senator Nelson moved to suspend Senate Rule 11.10(a) and Senate Rule 11.18(a) in order that the Committee on Finance might meet today.

The motion prevailed by the following vote: Yeas 22, Nays 0.

Absent: Alvarado, Blanco, Eckhardt, Gutierrez, Johnson, Menéndez, Miles, Powell, West.

RECESS

On motion of Senator Whitmire, the Senate at 10:24 a.m. recessed until 11:00 a.m. today.

AFTER RECESS

The Senate met at 12:00 p.m. and was called to order by the President.

SENATE BILL 7 ON SECOND READING

Senator Huffman moved to suspend the regular order of business to take up for consideration **SB 7** at this time on its second reading:

SB 7, Relating to a one-time supplemental payment of benefits under the Teacher Retirement System of Texas.

The motion prevailed by the following vote: Yeas 22, Nays 0.

Absent: Alvarado, Blanco, Eckhardt, Gutierrez, Johnson, Menéndez, Miles, Powell, West.

The bill was read second time.

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 7** (senate committee printing) in SECTION 1(i) of the bill (page 2, line 44), immediately after the period, by inserting the following:

The amount appropriated by the legislature to provide the payment must be in addition to the amount the state is required to contribute to the retirement system under Section 825.404, Government Code.

The amendment to **SB 7** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Absent: Alvarado, Blanco, Eckhardt, Gutierrez, Johnson, Menéndez, Miles, Powell, West.

SB 7 as amended was passed to engrossment by the following vote: Yeas 22, Nays 0.

Absent: Alvarado, Blanco, Eckhardt, Gutierrez, Johnson, Menéndez, Miles, Powell, West.

SENATE BILL 7 ON THIRD READING

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 7** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 22, Nays 0.

Absent: Alvarado, Blanco, Eckhardt, Gutierrez, Johnson, Menéndez, Miles, Powell, West.

The bill was read third time and was passed by the following vote: Yeas 22, Nays 0. (Same as previous roll call)

(President Pro Tempore Campbell in Chair)

COMMITTEE SUBSTITUTE

SENATE BILL 1 ON SECOND READING

Senator Hughes moved to suspend the regular order of business to take up for consideration **CSSB 1** at this time on its second reading:

CSSB 1, Relating to election integrity and security, including by preventing fraud in the conduct of elections in this state; increasing criminal penalties; creating criminal offenses; providing civil penalties.

The motion prevailed by the following vote: Yeas 18, Nays 4.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Nays: Hinojosa, Lucio, Whitmire, Zaffirini.

Absent: Alvarado, Blanco, Eckhardt, Gutierrez, Johnson, Menéndez, Miles, Powell, West.

The bill was read second time.

Question: Shall **CSSB 1** be passed to engrossment?

AT EASE

President Pro Tempore Campbell at 4:13 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

The President at 4:35 p.m. called the Senate to order as In Legislative Session.

Question: Shall **CSSB 1** be passed to engrossment?

Senator Hughes offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1** (senate committee report) in SECTION 6.03 of the bill, in added Section 276.015(a)(2), Election Code (page 16, line 29), by striking "involving" and substituting "in the physical presence of".

HUGHES
HINOJOSA

The amendment to **CSSB 1** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 except as follows:

Absent: Alvarado, Blanco, Eckhardt, Gutierrez, Johnson, Menéndez, Miles, Powell, West.

Senator Hughes offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1** (senate committee report) in SECTION 4.13 of the bill as follows:

(1) In amended Section 87.041(b), Election Code (page 12, line 39), strike "matches the information" and substitute "identifies the same voter identified".

(2) In added Section 87.041(d-1), Election Code (page 12, line 42), strike "matches the information" and substitute "identifies the same voter identified".

HUGHES
ZAFFIRINI

The amendment to **CSSB 1** was read and was adopted by the following vote: Yeas 22, Nays 0.

Absent: Alvarado, Blanco, Eckhardt, Gutierrez, Johnson, Menéndez, Miles, Powell, West.

Senator Hughes offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 1** (senate committee report) as follows:

(1) In the recital to SECTION 5.01 of the bill, amending Section 64.009, Election Code (page 14, line 6), strike "(b-1),".

(2) In SECTION 5.01 of the bill, amending Section 64.009, Election Code, strike added Section 64.009(b-1), Election Code (page 14, lines 11 through 14).

The amendment to **CSSB 1** was read and was adopted by the following vote: Yeas 22, Nays 0.

Absent: Alvarado, Blanco, Eckhardt, Gutierrez, Johnson, Menéndez, Miles, Powell, West.

Senator Birdwell offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 1** (senate committee printing) as follows:

(1) Strike the recital to SECTION 2.01 of the bill, amending Section 43.031(b), Election Code (page 3, lines 46 and 47), and substitute the following:

SECTION 2.01. Section 43.031, Election Code, is amended by amending Subsection (b) and adding Subsections (b-1) and (b-2) to read as follows:

(2) In SECTION 2.01 of the bill, in amended Section 43.031(b), Election Code (page 3, line 49), strike "A polling place" and substitute "Except as provided by Subsection (b-1), a polling place".

(3) In SECTION 2.01 of the bill, immediately following amended Section 43.031(b), Election Code (page 3, between lines 52 and 53), insert the following:

(b-1) A polling place may be located in a tent or similar temporary movable structure if:

(1) a building selected for a polling place is later determined by the county commissioners court to be not reasonably accessible due to fire, flood, or other natural disaster rendering the building unsafe for public use;

(2) a suitable substitute building is not available; and

(3) the tent or similar temporary movable structure is adjacent to the building described by Subdivision (1).

(b-2) If the county commissioners court makes a determination described by Subsection (b-1)(1):

(1) the determination is valid only for the next scheduled election; and

(2) the court shall send a record of that determination to the secretary of state as soon as practicable.

(4) Strike the recital to SECTION 2.10 of the bill, amending Section 85.061(a), Election Code (page 5, lines 42 and 43), and substitute the following:

SECTION 2.10. Section 85.061, Election Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (a-2) to read as follows:

(5) In SECTION 2.10 of the bill, in amended Section 85.061(a), Election Code (page 5, line 51), strike "The polling place" and substitute "Except as provided by Subsection (a-1), the polling place".

(6) In SECTION 2.10 of the bill, immediately following amended Section 85.061(a), Election Code (page 5, between lines 53 and 54), insert the following:

(a-1) An early voting polling place may be located in a tent or similar temporary movable structure if:

(1) a building selected for an early voting polling place is later determined by the county commissioners court to be not reasonably accessible due to fire, flood, or other natural disaster rendering the building unsafe for public use;

(2) a suitable substitute building is not available; and

(3) the tent or similar temporary movable structure is adjacent to the building described by Subdivision (1).

(a-2) If the county commissioners court makes a determination described by Subsection (a-1)(1):

(1) the determination is valid only for the next scheduled election; and

(2) the court shall send a record of that determination to the secretary of state as soon as practicable.

(7) In the recital to SECTION 2.11 of the bill, amending Section 85.062, Election Code (page 5, line 55), strike "Subsection (f-1)" and substitute "Subsections (b-1), (b-2), and (f-1)".

(8) In SECTION 2.11 of the bill, in amended Section 85.062(b), Election Code (page 6, line 61), strike "The polling place" and substitute "Except as provided by Subsection (b-1), the [The] polling place".

(9) In SECTION 2.11 of the bill, immediately following amended Section 85.062(b), Election Code (immediately following page 5, line 69), insert the following:

(b-1) A temporary branch polling place may be located in a tent or similar temporary movable structure if:

(1) a building selected for a temporary branch polling place is later determined by the county commissioners court to be not reasonably accessible due to fire, flood, or other natural disaster rendering the building unsafe for public use;

(2) a suitable substitute building is not available; and

(3) the tent or similar temporary movable structure is adjacent to the building described by Subdivision (1).

(b-2) If the county commissioners court makes a determination described by Subsection (b-1)(1):

(1) the determination is valid only for the next scheduled election; and

(2) the court shall send a record of that determination to the secretary of state as soon as practicable.

The amendment to **CSSB 1** was read and was adopted by the following vote: Yeas 22, Nays 0.

Absent: Alvarado, Blanco, Eckhardt, Gutierrez, Johnson, Menéndez, Miles, Powell, West.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 5

Amend **CSSB 1** (senate committee printing) by striking the following SECTIONS from ARTICLE 2 of the bill and renumbering the SECTIONS of ARTICLE 2 accordingly:

(1) SECTION 2.01, amending Section 43.031(b), Election Code (page 3, lines 46-52);

(2) SECTION 2.10, amending Section 85.061(a), Election Code (page 5, lines 42-53); and

(3) SECTION 2.11, amending Section 85.062, Election Code (page 5, line 54, through page 6, line 6).

The amendment to **CSSB 1** was read and failed of adoption by the following vote: Yeas 4, Nays 18.

Yeas: Hinojosa, Lucio, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Absent: Alvarado, Blanco, Eckhardt, Gutierrez, Johnson, Menéndez, Miles, Powell, West.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 6

Amend **CSSB 1** (senate committee report) as follows:

(1) In ARTICLE 2 of the bill, in SECTION 2.01 of that ARTICLE, amending Section 43.031(b), Election Code (page 3, lines 51-52), strike "No voter may cast a vote from inside a motor vehicle unless the voter meets the requirements of Section 64.009.".

(2) In ARTICLE 5 of the bill, strike SECTION 5.01 of that ARTICLE, amending Section 64.009, Election Code (page 14, lines 5 through 33), and renumber subsequent SECTIONS of the ARTICLE accordingly.

The amendment to **CSSB 1** was read and failed of adoption by the following vote: Yeas 4, Nays 18.

Yeas: Hinojosa, Lucio, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Absent: Alvarado, Blanco, Eckhardt, Gutierrez, Johnson, Menéndez, Miles, Powell, West.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 7

Amend **CSSB 1** (senate committee report) as follows:

(1) Strike SECTION 2.07 of the bill, amending Section 85.005, Election Code (page 4, line 35, through page 5, line 13).

(2) Strike SECTION 2.08 of the bill, amending Sections 85.006(b) and (e), Election Code (page 5, lines 14 through 36).

(3) Renumber subsequent SECTIONS of ARTICLE 2 of the bill accordingly.

The amendment to **CSSB 1** was read and failed of adoption by the following vote: Yeas 4, Nays 18.

Yeas: Hinojosa, Lucio, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Absent: Alvarado, Blanco, Eckhardt, Gutierrez, Johnson, Menéndez, Miles, Powell, West.

Senator Bettencourt offered the following amendment to the bill:

Floor Amendment No. 8

Amend **CSSB 1** (senate committee printing) by adding the following appropriately numbered SECTION to ARTICLE 3 of the bill and renumbering subsequent SECTIONS of that ARTICLE accordingly:

SECTION 3. ____. Subchapter A, Chapter 33, Election Code, is amended by adding Section 33.008 to read as follows:

Sec. 33.008. TRAINING MANUAL. (a) The secretary of state shall publish and maintain a training manual for watchers and shall make the manual available on the secretary of state's Internet website.

(b) An appointing authority must provide each watcher appointed by the authority with a copy of the training manual maintained under this section.

The amendment to **CSSB 1** was read and was adopted by the following vote: Yeas 22, Nays 0.

Absent: Alvarado, Blanco, Eckhardt, Gutierrez, Johnson, Menéndez, Miles, Powell, West.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 9

Amend **CSSB 1** (senate committee printing) by adding the following appropriately numbered SECTION to ARTICLE 3 of the bill and renumbering subsequent SECTIONS of ARTICLE 3 accordingly:

SECTION 3. ____. Subchapter B, Chapter 33, Election Code, is amended by adding Section 33.0315 to read as follows:

Sec. 33.0315. PRIOR EXPERIENCE AS ELECTION OFFICER REQUIRED. In addition to the general requirements under Section 33.031, to be eligible to serve as a watcher, a person must have served as an election clerk or as a presiding or alternate election judge in at least two previous elections.

The amendment to **CSSB 1** was read and failed of adoption by the following vote: Yeas 4, Nays 18.

Yeas: Hinojosa, Lucio, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Absent: Alvarado, Blanco, Eckhardt, Gutierrez, Johnson, Menéndez, Miles, Powell, West.

Senator Campbell offered the following amendment to the bill:

Floor Amendment No. 10

Amend **CSSB 1** (senate committee report) in ARTICLE 4 of the bill as follows:

(1) In SECTION 4.03 of the bill, in amended Section 84.002(a), Election Code (page 9, line 5), strike "or personal identification card" and substitute ", election identification certificate, or personal identification card".

(2) In SECTION 4.03 of the bill, in added Section 84.002(b-1), Election Code (page 9, lines 39 and 40), strike "or personal identification card" and substitute ", election identification certificate, or personal identification card".

(3) In SECTION 4.09 of the bill, in added Section 86.002(g), Election Code (page 11, lines 8 and 9), strike "or personal identification card" and substitute ", election identification certificate, or personal identification card".

(4) In SECTION 4.09 of the bill, in added Section 86.002(h), Election Code (page 11, lines 16 and 17), strike "or personal identification card" and substitute ", election identification certificate, or personal identification card".

The amendment to **CSSB 1** was read and was adopted by the following vote: Yeas 22, Nays 0.

Absent: Alvarado, Blanco, Eckhardt, Gutierrez, Johnson, Menéndez, Miles, Powell, West.

Senator Paxton offered the following amendment to the bill:

Floor Amendment No. 11

Amend **CSSB 1** (senate committee printing) in Section 5.04 of the bill, by striking amended Section 64.034, Election Code (page 14, line 66 through page 15, line 19) and substituting the following:

Sec. 64.034. OATH. A person, other than an election officer, selected to provide assistance to a voter must take the following oath, administered by an election officer at the polling place, before providing assistance:

"I swear (or affirm) under penalty of perjury the voter I am assisting represented to me they are eligible to receive assistance; I will not suggest, by word, sign, or gesture, how the voter should vote; ~~[I will confine my assistance to answering the voter's questions, to stating propositions on the ballot, and to naming candidates and, if listed, their political parties;]~~ I will prepare the voter's ballot as the voter directs; I did not encourage, pressure, or coerce the voter into choosing me to provide assistance; ~~[and]~~ I am not the voter's employer, an agent of the voter's employer, or an officer or agent of a labor union to which the voter belongs; I will not communicate information about how the voter has voted to another person; and I understand that if assistance is provided to a voter who is not eligible for assistance, the voter's ballot may not be counted."

The amendment to **CSSB 1** was read and was adopted by the following vote: Yeas 22, Nays 0.

Absent: Alvarado, Blanco, Eckhardt, Gutierrez, Johnson, Menéndez, Miles, Powell, West.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 12

Amend **CSSB 1** (senate committee report) in SECTION 5.04 of the bill, in amended Section 64.034, Election Code (page 15, line 12), by striking "encourage, pressure, or coerce" and substituting "pressure or coerce".

The amendment to **CSSB 1** was read and failed of adoption by the following vote: Yeas 4, Nays 18.

Yeas: Hinojosa, Lucio, Whitmire, Zaffirini.

Nays: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Absent: Alvarado, Blanco, Eckhardt, Gutierrez, Johnson, Menéndez, Miles, Powell, West.

CSSB 1 as amended was passed to engrossment by the following vote: Yeas 18, Nays 4.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Nays: Hinojosa, Lucio, Whitmire, Zaffirini.

Absent: Alvarado, Blanco, Eckhardt, Gutierrez, Johnson, Menéndez, Miles, Powell, West.

COMMITTEE SUBSTITUTE SENATE BILL 1 ON THIRD READING

Senator Hughes moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 18, Nays 4.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Nays: Hinojosa, Lucio, Whitmire, Zaffirini.

Absent: Alvarado, Blanco, Eckhardt, Gutierrez, Johnson, Menéndez, Miles, Powell, West.

The bill was read third time and was passed by the following vote: Yeas 18, Nays 4. (Same as previous roll call)

STATEMENT REGARDING SENATE BILL 1

Senator Zaffirini submitted the following statement regarding **SB 1**:

I rise respectfully in opposition to Senate Bill 1 and am dismayed that we would consider anew legislation making it more difficult to vote for countless Texans.

My 12 Democratic colleagues and I, including the 11 of us who represent majority-minority districts in the Texas Senate, urged you during the last regular session to not only hear our voices, but also to consider the testimony of the many witnesses who expressed their deep concerns about Senate Bill 7.

Yet, here we are again debating Senate Bill 1, which contains several of the same provisions, such as banning drive-through and 24-hour voting, which would have a disparate racial and ethnic impact.

The State Affairs Committee heard fourteen hours of testimony last Saturday, and my staff's preliminary tally showed there were 353 witnesses registered to testify regarding SB 1, with 7 testifying on the bill; 64 for; and 287 against. Opposing witnesses included persons with disabilities, persons of color, seniors, and even veterans. Many of them waited hours to testify against this legislation before both the Senate and House committees.

How can we in good conscience approve legislation when persons with disabilities tell us it makes it harder for them to vote? How can we in good conscience approve legislation that persons of color tell us makes them feel unwelcomed to participate in our democracy? How can we in good conscience approve legislation that creates bureaucratic roadblocks for our veterans and seniors to vote?

We all want fair and honest elections, and at no point during the regular or this special session was testimony offered that proves there is widespread fraud in our elections. Staff from the Office of Attorney General recently said they have voting fraud cases pending against 44 persons, despite the millions of taxpayer dollars spent for those efforts. That may seem like a lot to some, but it is a tiny number considering 11.2 million Texans voted in 2020. In fact, it is equivalent to 0.0004 percent of those votes. Keith Ingram, Director of the Elections Division in the Secretary of State's office, told the committee that he knew of no evidence of fraud tied to overnight voting or drive-through voting, two of the areas of contention in Harris County. Our former Secretary of State even said after the 2020 election that it had been "smooth and secure" and that turnout was the highest since 1992.

Members, if one case of voter fraud is too many; one vote suppressed by this bill is too many as well.

For these and many other reasons, I respectfully will vote "no" on Senate Bill 1.

Thank you, Mr. President and members.

ZAFFIRINI

(President Pro Tempore Campbell in Chair)

GUEST PRESENTED

Senator Nelson was recognized and introduced to the Senate her son, Brian Nelson.

The Senate welcomed its guest.

(President in Chair)**SENATE BILL 6 ON SECOND READING**

Senator Huffman moved to suspend the regular order of business to take up for consideration **SB 6** at this time on its second reading:

SB 6, Relating to rules for setting the amount of bail, to the release of certain defendants on a monetary bond or personal bond, to related duties of certain officers taking bail bonds and of a magistrate in a criminal case, to charitable bail organizations, and to the reporting of information pertaining to bail bonds.

The motion prevailed by the following vote: Yeas 22, Nays 0.

Absent: Alvarado, Blanco, Eckhardt, Gutierrez, Johnson, Menéndez, Miles, Powell, West.

The bill was read second time.

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 6** (senate committee printing) as follows:

(1) In SECTION 4 of the bill, in added Article 17.021(b)(1), Code of Criminal Procedure (page 1, line 61), between "Article 17.15" and the underlined semicolon, insert "and list each factor provided by Article 17.15(a)".

(2) In SECTION 4 of the bill, in added Article 17.021(b)(4), Code of Criminal Procedure (page 2, line 7), strike "and".

(3) In SECTION 4 of the bill, in added Article 17.021(b)(5)(E), Code of Criminal Procedure (page 2, line 17), between "bail" and the underlined period, insert the following:

; and

(6) be designed to collect and maintain the information provided on a bail form submitted under Section 72.038, Government Code

(4) In SECTION 4 of the bill, in added Article 17.021(c), Code of Criminal Procedure (page 2, line 19), between "county" and "at", insert "and municipality".

(5) In SECTION 4 of the bill, in added Article 17.021(c), Code of Criminal Procedure (page 2, line 21), strike "a county" and substitute "an".

(6) In SECTION 4 of the bill, in added Article 17.022(a)(1), Code of Criminal Procedure (page 2, line 37), between the underlined comma and "or", insert "if a personal bond office has been established for that county".

(7) In SECTION 4 of the bill, in added Article 17.022(a)(1), Code of Criminal Procedure (page 2, line 38), between "person" and the underlined comma, insert "including judicial personnel or sheriff's department personnel".

(8) In SECTION 4 of the bill, in added Article 17.022, Code of Criminal Procedure (page 2, between lines 53 and 54), insert the following appropriately lettered subsection:

() A magistrate may not order, prepare, or consider a public safety report in setting bail for a defendant charged only with a misdemeanor punishable by fine only.

(9) In SECTION 4 of the bill, in added Article 17.023(b)(1)(A), Code of Criminal Procedure (page 2, line 63), strike "or".

(10) In SECTION 4 of the bill, in added Article 17.023(b)(1)(B), Code of Criminal Procedure (page 2, line 65), between the underlined semicolon and "and", insert the following:

or

(C) a judge or justice serving under Chapter 74, Government Code;

(11) In SECTION 4 of the bill, in added Article 17.024(c)(3), Code of Criminal Procedure (page 3, lines 30 and 31), strike "in a manner acceptable to the office" and substitute "as provided by Subsection (b)".

(12) In SECTION 4 of the bill, in added Article 17.024(c-1), Code of Criminal Procedure (page 3, line 35), strike "July" and substitute "August".

(13) In SECTION 4 of the bill, strike added Article 17.027(a), Code of Criminal Procedure (page 3, lines 43 through 55), and substitute the following:

(a) Notwithstanding any other law:

(1) if a defendant is charged with committing an offense punishable as a felony while released on bail for another offense punishable as a felony and the subsequent offense was committed in the same county as the previous offense, only the court before whom the case for the previous offense is pending may release the defendant on bail; and

(2) if a defendant is charged with committing an offense while released on bail for another offense and the subsequent offense was committed in a different county than the previous offense, electronic notice of the charge must be promptly given to the court specified by Subdivision (1) for purposes of reevaluating the bail decision, determining whether any bail conditions were violated, or taking any other applicable action.

(14) In SECTION 4 of the bill, in added Article 17.028(a)(2), Code of Criminal Procedure (page 3, line 64), strike "monetary" and substitute "surety or cash".

(15) In SECTION 4 of the bill, in added Article 17.028(f), Code of Criminal Procedure (page 4, lines 21 and 22), strike "who claims to be unable to give bail as described by Subsection (e) may" and substitute "who is charged with an offense punishable as a Class B misdemeanor or any higher category of offense shall be provided with the opportunity to".

(16) In SECTION 4 of the bill, in added Article 17.028(h), Code of Criminal Procedure (page 4, line 61), between "a" and "hearing", insert "prompt".

(17) In SECTION 4 of the bill, in added Article 17.028(h), Code of Criminal Procedure (page 4), strike lines 62 and 63 and substitute the following:

The hearing may be held before the magistrate making the bail decision under Subsection (a) or may occur as a separate pretrial proceeding held for that purpose. The defendant must be given the

(18) In SECTION 4 of the bill, in added Article 17.028(h), Code of Criminal Procedure (page 4, line 65), strike "After the hearing, the" and substitute "The".

(19) In SECTION 4 of the bill, in added Article 17.028, Code of Criminal Procedure (page 5, between lines 21 and 22), insert the following appropriately lettered subsection:

() Notwithstanding Subsection (a), a magistrate may make a bail decision regarding a defendant who is charged only with a misdemeanor punishable by fine only without considering the factor required by Article 17.15(a)(6).

(20) In SECTION 6 of the bill, in added Article 17.071(d)(2), Code of Criminal Procedure (page 7, line 5), between "Article 17.03" and the underlined period, insert "during the 10-year period preceding the date of the defendant's arrest for the instant offense".

(21) In SECTION 6 of the bill, in added Article 17.071(e), Code of Criminal Procedure (page 7, line 7), strike "sheriff of" and substitute "presiding judge of the administrative judicial region for".

(22) In SECTION 6 of the bill, in added Article 17.071(g), Code of Criminal Procedure (page 7, line 25), strike "sheriff" and substitute "presiding judge of the administrative judicial region for the county".

(23) In SECTION 10 of the bill, strike added Article 17.51(a)(2), Code of Criminal Procedure (page 8, lines 54 through 59), and substitute the following:

(2) the sheriff of the county where the defendant resides.

(24) In SECTION 13 of the bill, in added Section 71.0351(a)(1)(C), Government Code (page 10, line 15), strike "monetary" and substitute "surety or cash".

(25) In SECTION 14 of the bill, in added Section 72.038(a), Government Code (page 10, line 36), strike "a defendant's".

(26) In SECTION 14 of the bill, in added Section 72.038(a), Government Code (page 10, line 37), between "Procedure" and the underlined period, insert ", for a defendant charged with an offense punishable as a Class B misdemeanor or any higher category of offense".

(27) In SECTION 14 of the bill, strike added Section 72.038(b)(3), Government Code (page 10, lines 44 through 46), and renumber subsequent subdivisions of that subsection accordingly.

(28) In SECTION 14 of the bill, in added Section 72.038(b)(5), Government Code (page 10, line 56), between "be" and "signed", insert "electronically".

(29) In SECTION 14 of the bill, strike added Section 72.038(d), Government Code (page 10, lines 62 through 64), and substitute the following:

(d) The office shall:

(1) publish each form submitted under this section in a database that is publicly accessible on the office's Internet website; and

(2) enter the submitted form into the public safety report system developed under Article 17.021, Code of Criminal Procedure.

(30) In SECTION 17 of the bill, in the transition language relating to the development of the public safety report system under Article 17.021, Code of Criminal Procedure (page 11, line 33), between "each county" and "access", insert "and municipality".

(31) In SECTION 21 of the bill, in the effective date provision (page 11, line 69 through page 12, line 1), strike "Article 17.15(b), Code of Criminal Procedure, as added by this Act, takes" and substitute "Articles 17.028(b) and 17.15(b), Code of Criminal Procedure, as added by this Act, take".

(32) In SECTION 21 of the bill, in the effective date provision (page 12, lines 8 and 9), strike "Article 17.15(b), Code of Criminal Procedure, has" and substitute "Articles 17.028(b) and 17.15(b), Code of Criminal Procedure, have".

(33) In SECTION 6 of the bill, in added Article 17.071(g), Code of Criminal Procedure (page 7, line 23), strike "A sheriff" and substitute "The presiding judge of the administrative judicial region".

(34) In SECTION 6 of the bill, in added Article 17.071(g), Code of Criminal Procedure (page 7, line 24), strike "the sheriff's county" and substitute "the administrative judicial region".

The amendment to **SB 6** was read and was adopted by the following vote: Yeas 22, Nays 0.

Absent: Alvarado, Blanco, Eckhardt, Gutierrez, Johnson, Menéndez, Miles, Powell, West.

Senator Huffman offered the following amendment to the bill:

Floor Amendment No. 2

Amend **SB 6** (senate committee printing) as follows:

(1) In SECTION 5 of the bill, immediately following "SECTION 5." (page 5, line 22), insert "(a)".

(2) At the end of SECTION 5 of the bill (immediately following line 6, page 42), insert the following:

(b) This section takes effect on the 91st day after the last day of the legislative session if this Act does not receive a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution, this section has no effect.

(3) Immediately following SECTION 5 of the bill (page 6, between lines 42 and 43), insert the following appropriately numbered SECTION and renumber the SECTIONS of the bill accordingly:

SECTION _____. (a) Article 17.03, Code of Criminal Procedure, is amended by amending Subsection (b) and adding Subsections (b-2) and (b-3) to read as follows:

(b) Only the court before whom the case is pending may release on personal bond a defendant who:

(1) is charged with an offense under the following sections of the Penal Code:

(A) [~~Section 19.03 (Capital Murder);~~

~~(B) Section 20.04 (Aggravated Kidnapping);~~

~~(C) Section 22.021 (Aggravated Sexual Assault);~~

~~(D) Section 22.03 (Deadly Assault on Law Enforcement or Corrections Officer, Member or Employee of Board of Pardons and Paroles, or Court Participant);~~

~~(E) Section 22.04 (Injury to a Child, Elderly Individual, or Disabled Individual);~~

~~(F) Section 29.03 (Aggravated Robbery);~~

~~(G)~~ Section 30.02 (Burglary); or

(B) [~~(H)~~] Section 71.02 (Engaging in Organized Criminal Activity);

~~(I) Section 21.02 (Continuous Sexual Abuse of Young Child or Children); or~~

~~(J) Section 20A.03 (Continuous Trafficking of Persons);]~~

(2) is charged with a felony under Chapter 481, Health and Safety Code, or Section 485.033, Health and Safety Code, punishable by imprisonment for a minimum term or by a maximum fine that is more than a minimum term or maximum fine for a first degree felony; or

(3) does not submit to testing for the presence of a controlled substance in the defendant's body as requested by the court or magistrate under Subsection (c) of this article or submits to testing and the test shows evidence of the presence of a controlled substance in the defendant's body.

(b-2) Notwithstanding any other law, a defendant may not be released on personal bond if the defendant:

(1) is charged with an offense involving violence; or

(2) while released on bail or community supervision for an offense involving violence, is charged with committing:

(A) any offense punishable as a felony; or

(B) an offense under the following provisions of the Penal Code:

(i) Section 22.01(a)(1) (assault);

(ii) Section 22.05 (deadly conduct);

(iii) Section 22.07 (terroristic threat); or

(iv) Section 42.01(a)(7) or (8) (disorderly conduct involving

firearm).

(b-3) In this article:

(1) "Controlled substance" has the meaning assigned by Section 481.002, Health and Safety Code.

(2) "Offense involving violence" means an offense under the following provisions of the Penal Code:

(A) Section 19.02 (murder);

(B) Section 19.03 (capital murder);

(C) Section 20.03 (kidnapping);

(D) Section 20.04 (aggravated kidnapping);

(E) Section 20A.02 (trafficking of persons);

(F) Section 20A.03 (continuous trafficking of persons);

(G) Section 21.02 (continuous sexual abuse of young child or children);

(H) Section 21.11 (indecency with a child);

(I) Section 22.01(a)(1) (assault), if the offense:

(i) is punishable as a felony of the second degree under Subsection

(b-2) of that section; or

(ii) involved family violence as defined by Section 71.004, Family

Code;

(J) Section 22.011 (sexual assault);

(K) Section 22.02 (aggravated assault);

(L) Section 22.021 (aggravated sexual assault);

(M) Section 22.04 (injury to a child, elderly individual, or disabled

individual);

(N) Section 25.072 (repeated violation of certain court orders or conditions of bond in family violence, child abuse or neglect, sexual assault or abuse, indecent assault, stalking, or trafficking case);

(O) Section 25.11 (continuous violence against the family);

(P) Section 29.03 (aggravated robbery);

(Q) Section 38.14 (taking or attempting to take weapon from peace officer, federal special investigator, employee or official of correctional facility, parole officer, community supervision and corrections department officer, or commissioned security officer);

(R) Section 43.04 (aggravated promotion of prostitution);

(S) Section 43.05 (compelling prostitution); or

(T) Section 43.25 (sexual performance by a child).

(b) This section takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote described by this subsection, this section has no effect.

(4) In SECTION 21(a) of the bill, in the effective date provision (page 11, line 68), between "of this section" and the comma, insert "or another provision of this Act".

The amendment to **SB 6** was read and was adopted by the following vote: Yeas 22, Nays 0.

Absent: Alvarado, Blanco, Eckhardt, Gutierrez, Johnson, Menéndez, Miles, Powell, West.

SB 6 as amended was passed to engrossment by the following vote: Yeas 22, Nays 0. (Same as previous roll call)

SENATE BILL 6 ON THIRD READING

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 6** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 22, Nays 0.

Absent: Alvarado, Blanco, Eckhardt, Gutierrez, Johnson, Menéndez, Miles, Powell, West.

The bill was read third time and was passed by the following vote: Yeas 22, Nays 0. (Same as previous roll call)

SENATE JOINT RESOLUTION 3 ON SECOND READING

The President laid before the Senate **SJR 3** by Senator Huffman at this time on its second reading:

SJR 3, Proposing a constitutional amendment requiring a judge or magistrate to impose the least restrictive conditions of bail that may be necessary and authorizing the denial of bail under some circumstances to a person accused of a violent or sexual offense or of continuous trafficking of persons.

The resolution was read second time and was passed to engrossment by the following vote: Yeas 22, Nays 0.

Absent: Alvarado, Blanco, Eckhardt, Gutierrez, Johnson, Menéndez, Miles, Powell, West.

SENATE JOINT RESOLUTION 3 ON THIRD READING

Senator Huffman moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SJR 3** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 22, Nays 0.

Absent: Alvarado, Blanco, Eckhardt, Gutierrez, Johnson, Menéndez, Miles, Powell, West.

The resolution was read third time and was passed by the following vote: Yeas 22, Nays 0. (Same as previous roll call)

**SENATE RULES SUSPENDED
(Posting Rules and Tag Rule)**

Senator Kolkhorst moved to suspend Senate Rule 11.10(a), Senate Rule 11.18(a), and Senate Rule 11.19 in order that the Committee on Health and Human Services might meet and consider **SB 4** at 9:00 a.m. Thursday, July 15, 2021, in the Betty King Committee Room.

The motion prevailed by the following vote: Yeas 19, Nays 3.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Lucio, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Nays: Hinojosa, Whitmire, Zaffirini.

Absent: Alvarado, Blanco, Eckhardt, Gutierrez, Johnson, Menéndez, Miles, Powell, West.

CO-AUTHORS OF SENATE BILL 1

On motion of Senator Hughes, Senators Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Huffman, Kolkhorst, Nelson, Nichols, Paxton, and Schwertner will be shown as Co-authors of **SB 1**.

CO-AUTHORS OF SENATE BILL 3

On motion of Senator Hughes, Senators Creighton, Kolkhorst, and Schwertner will be shown as Co-authors of **SB 3**.

CO-AUTHORS OF SENATE BILL 5

On motion of Senator Hughes, Senators Birdwell, Creighton, Schwertner, and Springer will be shown as Co-authors of **SB 5**.

CO-AUTHORS OF SENATE BILL 6

On motion of Senator Huffman, Senators Buckingham, Campbell, Creighton, Kolkhorst, Nelson, Nichols, Paxton, Schwertner, and Seliger will be shown as Co-authors of **SB 6**.

CO-AUTHORS OF SENATE BILL 7

On motion of Senator Huffman, Senators Birdwell, Buckingham, Campbell, Creighton, Hinojosa, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Whitmire, and Zaffirini will be shown as Co-authors of **SB 7**.

CO-AUTHORS OF SENATE BILL 8

On motion of Senator Bettencourt, Senators Birdwell, Buckingham, Nelson, Paxton, Schwertner, and Seliger will be shown as Co-authors of **SB 8**.

CO-AUTHORS OF SENATE BILL 12

On motion of Senator Bettencourt, Senators Buckingham, Campbell, Creighton, Hall, Hinojosa, Lucio, Nelson, Nichols, and Seliger will be shown as Co-authors of **SB 12**.

CO-AUTHORS OF SENATE BILL 24

On motion of Senator Kolkhorst, Senators Creighton and Schwertner will be shown as Co-authors of **SB 24**.

CO-AUTHORS OF SENATE BILL 31

On motion of Senator Perry, Senators Birdwell, Creighton, and Schwertner will be shown as Co-authors of **SB 31**.

CO-AUTHORS OF SENATE BILL 33

On motion of Senator Perry, Senators Creighton, Paxton, and Schwertner will be shown as Co-authors of **SB 33**.

CO-AUTHORS OF SENATE JOINT RESOLUTION 3

On motion of Senator Huffman, Senators Buckingham, Campbell, Creighton, Kolkhorst, Nelson, Nichols, Paxton, and Seliger will be shown as Co-authors of **SJR 3**.

CO-AUTHORS OF SENATE JOINT RESOLUTION 4

On motion of Senator Bettencourt, Senators Buckingham, Campbell, Creighton, Hall, Hinojosa, Lucio, Nelson, Nichols, and Seliger will be shown as Co-authors of **SJR 4**.

RECESS

On motion of Senator Whitmire, the Senate at 6:21 p.m. recessed until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

July 13, 2021

JURISPRUDENCE — **SB 9**

STATE AFFAIRS — **CSSB 5**

FINANCE — **SB 10**

HEALTH AND HUMAN SERVICES — **SB 32, CSSB 2**

BILLS AND RESOLUTION ENGROSSED

July 13, 2021

SB 1, SB 6, SB 7, SJR 3

