

BILL ANALYSIS

Senate Research Center
78R7734 PEP-F

S.B. 1336
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Criminal Justice
4/14/2003
As Filed

DIGEST AND PURPOSE

Sureties are subject to forfeiture of the full face amount of the posted bond when a defendant fails to appear. Most jurisdictions will give bail agents some opportunity to attempt to find a defendant and return the defendant to court. However, current practices vary widely from county to county. As proposed, S.B. 1336 provides for the exoneration of a criminal defendant and the defendant's sureties on a personal bond or bail bond for certain causes. This bill also provides for certain procedures in connection with bond forfeiture.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 22.13, Code of Criminal Procedure, to provide certain additional causes which will exonerate a defendant and his sureties, if any, from liability upon the forfeiture taken.

SECTION 2. Amends Article 22.16, Code of Criminal Procedure, as follows:

- (a) Requires the court, after forfeiture of a bond and before entry of a final judgment, on written motion to remit to the surety the amount of the bond, after deducting certain costs.
- (b) Creates this subsection from existing text from former Subsection (d). Deletes language regarding a surety's request for confirmation of the incarceration of his principal and notification requirements of a law enforcement agency. Deletes former Subsection (c) regarding the entering of a final judgment against a bond.
- (c) Redesignated from former Subsection (e).

SECTION 3. Amends Article 44.04(a), Code of Criminal Procedure, to delete language regarding a defendant charged with a misdemeanor who is on bail.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: upon passage or September 1, 2003.