

BILL ANALYSIS

Senate Research Center
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S.B. 972
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Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, a licensed jailer is not allowed to take a bail bond of a defendant. S.B. 972 seeks to address this matter by adding Article 17.025, Code of Criminal Procedure, to allow a county jailer to take a defendant's bail bond.

As proposed, S.B. 972 amends current law relating to the taking of a defendant's bail bond by county jailers.

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 Chapter 17, Code of Criminal Procedure, by adding Article 17.025, as follows:

Art. 17.025. OFFICERS TAKING BAIL BOND. Provides that a jailer licensed under Chapter 1701 (Law Enforcement Officers), Occupations Code, is considered to be an officer for the purposes of taking a bail bond and discharging any other related powers and duties under this chapter.

SECTION 2. Amends Article 17.05, Code of Criminal Procedure, to provide that a bail bond is entered into in certain circumstances, including when it is taken from the defendant by a peace officer or jailer if authorized by Article 17.20, 17.21, or 17.22.

SECTION 3. Amends Article 17.20, Code of Criminal Procedure, to authorize a jailer licensed under Chapter 1701 (Law Enforcement Officers), Occupations Code, in cases of misdemeanor, whether during the term of court or in vacation, where the officer has a defendant in custody, to take of the defendant a bail bond. Makes nonsubstantive changes.

SECTION 4. Amends Article 17.21, Code of Criminal Procedure, to make conforming and nonsubstantive changes.

SECTION 5. Amends Article 17.22, Code of Criminal Procedure, to make conforming and nonsubstantive changes.

SECTION 6. Effective date: upon passage or September 1, 2011.