

By: Anchia

H.B. No. 1236

A BILL TO BE ENTITLED

AN ACT

1
2 relating to state, local, and court involvement in determining
3 whether victims and witnesses to an offense and certain detained,
4 arrested, or incarcerated persons are lawfully present in the
5 United States.

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

7 SECTION 1. The following provisions are repealed:

- 8 (1) Articles 2.13(d) and (e), Code of Criminal
9 Procedure;
- 10 (2) Article 2.251, Code of Criminal Procedure;
- 11 (3) Article 17.16(a-1), Code of Criminal Procedure;
- 12 (4) Article 42.039, Code of Criminal Procedure;
- 13 (5) Section 402.0241, Government Code;
- 14 (6) Subchapter C, Chapter 752, Government Code;
- 15 (7) Section 772.0076, Government Code;
- 16 (8) Section 87.031(c), Local Government Code; and
- 17 (9) Section 39.07, Penal Code.

18 SECTION 2. Article 17.16(a), Code of Criminal Procedure, is
19 amended to read as follows:

20 (a) A surety may before forfeiture relieve the surety of the
21 surety's undertaking by:

- 22 (1) surrendering the accused into the custody of the
23 sheriff of the county where the prosecution is pending; or
- 24 (2) delivering to the sheriff of the county in which

1 the prosecution is pending and to the office of the prosecuting
2 attorney an affidavit stating that the accused is incarcerated in~~+~~

3 ~~[(A)]~~ federal custody, in ~~[subject to Subsection~~
4 ~~(a=1),~~

5 ~~[(B)]~~ the custody of any state, ~~+~~ or in

6 ~~[(C)]~~ any county of this state.

7 SECTION 3. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2021.