

Amend HB 1300 by adding the following new SECTIONS to the bill, appropriately numbered, and renumbering existing SECTIONS accordingly:

SECTION _____. Article 17.02, Code of Criminal Procedure, is amended to read as follows:

Art. 17.02. DEFINITION OF "BAIL BOND"; CASH BOND AUTHORIZED.

(a) A "bail bond" is a written undertaking entered into by the defendant and the defendant's [~~his~~] sureties for the appearance of the principal therein before some court or magistrate to answer a criminal accusation; provided, however, that the defendant upon execution of such bail bond may deposit with the custodian of funds of the court in which the prosecution is pending current money of the United States in the amount of the bond, or in a lesser amount as provided by Article 17.025, in lieu of having sureties signing the same.

(b) Any cash funds deposited under this Article or Article 17.025 shall be receipted for by the officer receiving those funds. The officer shall deposit the funds in an interest-bearing account established for purposes of this subsection. Interest on the amount in the account may be retained by the county to cover the costs of administering this subsection. In addition, the county may impose a fee, not to exceed 10 percent of the amount deposited, to cover those administrative costs. The officer shall refund the amount deposited, less any amount retained under this subsection as an administrative fee, [the same and shall be refunded] to the defendant, or to another person to whom that amount is assigned by the defendant in a signed written instrument filed with that officer, [if and] when the defendant complies with the conditions of the defendant's [~~his~~] bond, and upon order of the court.

SECTION _____. Chapter 17, Code of Criminal Procedure, is amended by adding Article 17. 025 to read as follows:

Art. 17.025. RELEASE ON BOND IN PARTIAL AMOUNT. (a) A magistrate may release a defendant on bail by permitting the defendant to deposit an amount of cash bond or to submit a bail bond in an amount that is less than the total mount of bail set in the case if the magistrate determines that requiring the defendant to deposit a cash bond or to procure a bail bond in the full amount of

bail will impose an unreasonable hardship on the defendant.

(b) Only the court before whom the case is pending may release a defendant under this article if the defendant is a defendant described by Article 17.03(b).

(c) A magistrate who releases a defendant under this article may impose any condition on the release that the magistrate could impose if the defendant were released on personal bond.