

Amend SB 1336 (introduced version) as follows:

(1) In SECTION 1 of the bill, in amended Article 22.13, Code of Criminal Procedure (page 1, line 8), between "EXONERATE." and "The following", insert "(a)".

(2) In SECTION 1 of the bill, in added Subdivision 5, Article 22.13, Code of Criminal Procedure (page 2, line 13), between "jurisdiction" and the period, insert the following:
in the United States:

(A) in the case of a misdemeanor, at the time of or not later than the 180th day after the date of the principal's failure to appear in court; or

(B) in the case of a felony, at the time of or not later than the 270th day after the date of the principal's failure to appear in court

(3) In SECTION 1 of the bill, in amended Article 22.13, Code of Criminal Procedure (page 2, between lines 13 and 14), insert the following:

(b) A surety exonerated under Subdivision 5, Subsection (a), remains obligated to pay costs of court, any reasonable and necessary costs incurred by a county to secure the return of the principal, and interest accrued on the bond amount from the date of the judgment nisi to the date of the principal's incarceration.

(4) In SECTION 1 of the bill, in amended Article 22.13, Code of Criminal Procedure (page 2, lines 14 through 19), strike added Subdivisions 6 and 7.

(5) Between SECTION 3 and SECTION 4 of the bill (page 4, between lines 21 and 22), insert the following:

SECTION 4. Articles 17.19(b), (c), (d), and (e), Code of Criminal Procedure, are amended to read as follows:

(b) If the court or magistrate finds that there is cause for the surety to surrender his principal, the court shall issue a warrant of arrest or capias for the principal. It is an affirmative defense to any liability on the bond that:

(1) the court or magistrate refused to issue a warrant of arrest or capias for the principal; and

(2) after the refusal to issue the warrant or capias the principal failed to appear.

(c) If the court or magistrate before whom the prosecution is pending is not available, the surety may deliver the affidavit to any other magistrate in the county and that magistrate, on a finding of cause for the surety to surrender his principal, shall issue a warrant of arrest or capias for the principal.

(d) An arrest warrant or a capias issued under this article shall be issued to the sheriff of the county in which the case is pending, and a copy of the warrant or capias shall be issued to the surety or his agent.

(e) An arrest warrant or a capias issued under this article may be executed by a peace officer, a security officer, or a private investigator licensed in this state.

SECTION 5. Article 23.05, Code of Criminal Procedure, is amended to read as follows:

Art. 23.05. CAPIAS AFTER SURRENDER OR FORFEITURE. (a) If ~~[Where]~~ a forfeiture of bail is declared or a surety surrenders a defendant under Article 17.19, a capias shall be immediately issued for the arrest of the defendant, and when arrested, in its discretion, the court may require the defendant, in order to be released from custody, to 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 new bond as set by the court, in lieu of a surety bond, unless a [the] forfeiture is taken and ~~[has been]~~ set aside under the third subdivision of Article 22.13 of this code, in which case the defendant and his sureties shall remain bound under the same bail.

(b) A capias issued under this article may be executed by a peace officer or by a private investigator licensed under Chapter 1702, Occupations Code.

(c) A capias under this article must be issued not later than the 10th business day after the date of the court's issuance of the order of forfeiture or order permitting surrender of the bond.

(d) The sheriff of each county shall enter a capias issued under this article into a local warrant system not later than the 10th business day after the date of issuance of the capias by the clerk of court.

(6) Renumber existing SECTIONS of the bill accordingly.