# BILL ANALYSIS

## BACKGROUND 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. Senate Bill 1336 provides for exoneration on a personal bond or bail bond for certain causes.

## RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

## ANALYSIS

Senate Bill 1336 amends the 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. The bill 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. If the court or magistrate finds that there is cause for the surety to surrender his principal, the court shall issue a capias for the principal. If a surety surrenders a defendant under Article 17.19, a capias shall immediately be issued for the arrest of the defendant. Such a capias 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 and the sheriff shall enter a capias into a local warrant system not later than the 10th business day after the issuance of the capias.

## EFFECTIVE DATE

On passage, or if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.