

By: Lewis

H.B. No. 1031

A BILL TO BE ENTITLED

AN ACT

relating to the release of a criminal defendant on partial bail and to the procedures governing a cash bond.

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

SECTION 1. 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

1 amount deposited, less any amount retained under this subsection as  
2 an administrative fee, [the same and shall be refunded] to the  
3 defendant, or to another person to whom that amount is assigned by  
4 the defendant in a signed written instrument filed with that  
5 officer, [if and] when the defendant complies with the conditions  
6 of the defendant's [his] bond, and upon order of the court.

7 SECTION 2. Chapter 17, Code of Criminal Procedure, is  
8 amended by adding Article 17.025 to read as follows:

9 Art. 17.025. RELEASE ON BOND IN PARTIAL AMOUNT. (a) A  
10 magistrate may release a defendant on bail by permitting the  
11 defendant to deposit an amount of cash bond or to submit a bail bond  
12 in an amount that is less than the total amount of bail set in the  
13 case if the magistrate determines that requiring the defendant to  
14 deposit a cash bond or to procure a bail bond in the full amount of  
15 bail will impose an unreasonable hardship on the defendant.

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

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

22 SECTION 3. This Act takes effect September 1, 2003.