

By: Flores

H.B. No. 1464

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the return of a cash bond to certain criminal
3 defendants.

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

5 SECTION 1. Article 17.02, Code of Criminal Procedure, is
6 amended to read as follows:

7 Art. 17.02. DEFINITION OF "BAIL BOND." (a) A "bail bond"
8 is a written undertaking entered into by the defendant and the
9 defendant's [~~his~~] sureties for the appearance of the defendant
10 [~~principal therein~~] before some court or magistrate to answer a
11 criminal accusation; provided, however, that the defendant upon
12 execution of such bail bond may deposit with the custodian of funds
13 of the court in which the prosecution is pending current money of
14 the United States in the amount of the bond in lieu of having
15 sureties signing the same.

16 (b) Any cash funds deposited under this Article shall be:

17 (1) receipted for by the officer receiving the funds;
18 [~~same~~] and

19 (2) [~~shall be~~] refunded to the defendant if [~~and when~~]
20 the defendant complies with the conditions of the defendant's [~~his~~]
21 bond[~~r~~] and upon order of the court.

22 (c) The custodian of funds of the court in which a
23 prosecution is pending against a defendant must refund the full
24 amount of the funds deposited by the defendant to the defendant if

1 the defendant is found not guilty of the criminal offense with which
2 the defendant is charged.

3 SECTION 2. The change in law made by this Act applies only
4 to a cash bond deposited with the custodian of funds of a court on or
5 after the effective date of this Act. A cash bond deposited with
6 the custodian of funds of a court before the effective date of this
7 Act is governed by the law in effect at the time the cash bond was
8 deposited, and the former law is continued in effect for that
9 purpose.

10 SECTION 3. This Act takes effect September 1, 2005.