

By: Hinojosa

S.B. No. 1594

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the costs a county may recover after the forfeiture of a
3 bond.

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

5 SECTION 1. Article 22.13(b), Code of Criminal Procedure, is
6 amended to read as follows:

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

13 SECTION 2. Sections 22.16(a) and (b), Code of Criminal
14 Procedure, are amended to read as follows:

15 (a) After forfeiture of a bond and before entry of a final
16 judgment, the court shall, on written motion, remit to the surety
17 the amount of the bond, after deducting the costs of court and any
18 demonstrated [~~reasonable and necessary~~] costs to the county for the
19 return of the principal, and the interest accrued on the bond amount
20 as provided by Subsection (c) if the principal is released on new
21 bail in the case or the case for which bond was given is dismissed.

22 (b) For other good cause shown and before the entry of a
23 final judgment against the bond, the court in its discretion may
24 remit to the surety all or part of the amount of the bond after

1 deducting the costs of court and any demonstrated [~~reasonable and~~
2 ~~necessary~~] costs to the county for the return of the principal, and
3 the interest accrued on the bond amount as provided by Subsection
4 (c).

5 SECTION 3. Section 22.17(a), Code of Criminal Procedure, is
6 amended to read as follows:

7 (a) Not later than two years after the date a final judgment
8 is entered in a bond forfeiture proceeding, the surety on the bond
9 may file with the court a special bill of review. A special bill of
10 review may include a request, on equitable grounds, that the final
11 judgment be reformed and that all or part of the bond amount be
12 remitted to the surety, after deducting the costs of court, any
13 demonstrated [~~reasonable~~] costs to the county for the return of the
14 principal, and the interest accrued on the bond amount from the date
15 of forfeiture. The court in its discretion may grant or deny the
16 bill in whole or in part.

17 SECTION 4. This Act takes effect September 1, 2007.