

By: Hinojosa

S.B. No. 1595

A BILL TO BE ENTITLED

AN ACT

1
2 relating to conditions that will exonerate a criminal defendant and
3 the defendant's surety from liability on a bond.

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

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

7 (a) The following causes, and no other, will exonerate the
8 defendant and his sureties, if any, from liability upon the
9 forfeiture taken:

10 1. That the bond is, for any cause, not a valid and
11 binding undertaking in law. If it be valid and binding as to the
12 principal, and one or more of his sureties, if any, they shall not
13 be exonerated from liability because of its being invalid and not
14 binding as to another surety or sureties, if any. If it be invalid
15 and not binding as to the principal, each of the sureties, if any,
16 shall be exonerated from liability. If it be valid and binding as
17 to the principal, but not so as to the sureties, if any, the
18 principal shall not be exonerated, but the sureties, if any, shall
19 be.

20 2. The death of the principal before the forfeiture
21 was taken.

22 3. The sickness of the principal or some
23 uncontrollable circumstance which prevented his appearance at
24 court, and it must, in every such case, be shown that his failure to

1 appear arose from no fault on his part. The causes mentioned in
2 this subdivision shall not be deemed sufficient to exonerate the
3 principal and his sureties, if any, unless such principal appear
4 before final judgment on the bond to answer the accusation against
5 him, or show sufficient cause for not so appearing.

6 4. Failure to present an indictment or information at
7 the first term of the court which may be held after the principal
8 has been admitted to bail, in case where the party was bound over
9 before indictment or information, and the prosecution has not been
10 continued by order of the court.

11 5. The incarceration of the principal in any
12 jurisdiction in the United States:

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

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

19 6. The contents of the bond did not meet the
20 requirements of Article 17.08.

21 7. The bond was not forfeited in the manner required
22 under Article 22.02.

23 8. The citation to the surety did not meet the
24 requirements of Article 22.03.

25 SECTION 2. The change in law made by this Act applies only
26 to a bail bond executed on or after the effective date of this Act.
27 A bail bond executed before the effective date of this Act is

1 governed by the law in effect when the bail bond was executed, and
2 the former law is continued in effect for that purpose.

3 SECTION 3. This Act takes effect September 1, 2007.