

By: Phillips

H.B. No. 3279

A BILL TO BE ENTITLED

AN ACT

relating to the discharge of a surety's liability on a bail bond.

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

SECTION 1. Article 17.16(a), Code of Criminal Procedure, is amended to read as follows:

(a) A surety may before forfeiture relieve the surety [~~himself~~] of the surety's [~~his~~] undertaking by:

(1) surrendering the accused into the custody of the sheriff of the county where the prosecution is pending; or

(2) delivering to the sheriff of the county where the prosecution is pending an affidavit stating that the accused is incarcerated in that jurisdiction [~~federal custody, in the custody of any state, or in any county of this state~~].

SECTION 2. The change in law made by this Act to Article 17.16(a), Code of Criminal Procedure, applies only to a bail bond that is executed on or after the effective date of this Act. A bail bond executed before the effective date of this Act is governed by the law in effect when the bail bond was executed, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2009.