

By: Raymond

H.B. No. 168

A BILL TO BE ENTITLED

AN ACT

relating to the requirements of a bail bond.

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

SECTION 1. Article 17.08, Code of Criminal Procedure, is amended to read as follows:

Art. 17.08. REQUISITES OF A BAIL BOND. A bail bond must contain the following requisites:

1. That it be made payable to "The State of Texas";

2. That the defendant and his sureties, if any, bind themselves that the defendant will appear before the proper court or magistrate to answer the accusation against him;

3. If the defendant is charged with a felony, that it state that he is charged with a felony. If the defendant is charged with a misdemeanor, that it state that he is charged with a misdemeanor;

4. That the bond be signed by name or mark by the principal and sureties, if any, each of whom shall write thereon his mailing address;

5. That the bond state the time and place, when and where the accused binds himself to appear, and the court or magistrate before whom he is to appear. The bond shall also bind the defendant to appear before any court or magistrate before whom the cause may thereafter be pending at any time when, and place where, his presence may be required under this Code or by any court or magistrate, but in no event shall the sureties be bound after the

1 earlier of:

2 (A) the date [~~such time as~~] the defendant receives an  
3 order of deferred adjudication or is acquitted, sentenced, placed  
4 on community supervision, or dismissed from the charge; or

5 (B) the date the bond expires;

6 6. The bond shall also be conditioned that the principal and  
7 sureties, if any, will pay all necessary and reasonable expenses  
8 incurred by any and all sheriffs or other peace officers in  
9 rearresting the principal in the event he fails to appear before the  
10 court or magistrate named in the bond at the time stated therein.  
11 The amount of such expense shall be in addition to the principal  
12 amount specified in the bond. The failure of any bail bond to  
13 contain the conditions specified in this paragraph shall in no  
14 manner affect the legality of any such bond, but it is intended that  
15 the sheriff or other peace officer shall look to the defendant and  
16 his sureties, if any, for expenses incurred by him, and not to the  
17 State for any fees earned by him in connection with the rearresting  
18 of an accused who has violated the conditions of his bond;

19 7. The bond must state an expiration date of not later than  
20 the third anniversary of the date the principal signed the bond.  
21 The expiration date of the bond may be extended for successive  
22 one-year periods on motion of the defendant and, for a surety bond,  
23 on submission of an affidavit for renewal that is signed by each  
24 surety on the bond.

25 SECTION 2. Section 1, Article 17.09, Code of Criminal  
26 Procedure, is amended to read as follows:

27 Sec. 1. Where a defendant, in the course of a criminal

1 action, gives bail before any court or person authorized by law to  
2 take same, for the defendant's [~~his~~] personal appearance before a  
3 court or magistrate, to answer a charge against the defendant  
4 [~~him~~], the [~~said~~] bond shall be, for the period specified by the  
5 bond, valid and binding on [~~upon~~] the defendant and the defendant's  
6 [~~his~~] sureties, if any, thereon, for the defendant's personal  
7 appearance before the court or magistrate designated therein, as  
8 well as before any other court to which same may be transferred, and  
9 for any and all subsequent proceedings related [~~had relative~~] to  
10 the charge, and each [~~such~~] bond shall be so conditioned except as  
11 hereinafter provided.

12 SECTION 3. The change in law made by this Act applies only  
13 to a bail bond that is executed on or after the effective date of  
14 this Act. A bail bond executed before the effective date of this  
15 Act is governed by the law in effect at the time the bail bond was  
16 executed, and the former law is continued in effect for that  
17 purpose.

18 SECTION 4. This Act takes effect September 1, 2011.