

By: Davis of Dallas

H.B. No. 1658

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the refund of a cash bond to a defendant in a criminal
3 case.

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 "bail bond" is a
8 written undertaking entered into by the defendant and the
9 defendant's [~~his~~] sureties for the appearance of the principal
10 therein before a a [~~some~~] court or magistrate to answer a criminal
11 accusation; provided, however, that the defendant on [~~upon~~]
12 execution of the [~~such~~] bail bond may deposit with the custodian of
13 funds of the court in which the prosecution is pending current money
14 of the United States in the amount of the bond in lieu of having
15 sureties signing the same. Any cash funds deposited under this
16 article [~~Article~~] shall be receipted for by the officer receiving
17 the funds [~~same~~] and, on order of the court, [~~shall~~] be refunded to
18 only the defendant after the defendant [~~if and when the defendant~~]
19 complies with the conditions of the defendant's [~~his~~] bond[, ~~and~~
20 ~~upon order of the court~~].

21 SECTION 2. The change in law made by this Act applies only
22 to a cash bond that is executed on or after the effective date of
23 this Act. A cash bond executed before the effective date of this
24 Act is governed by the law in effect when the cash bond was

1 executed, and the former law is continued in effect for that
2 purpose.

3 SECTION 3. This Act takes effect September 1, 2011.