

1-1 By: Davis of Dallas (Senate Sponsor - Whitmire) H.B. No. 1658
1-2 (In the Senate - Received from the House April 26, 2011;
1-3 April 29, 2011, read first time and referred to Committee on
1-4 Criminal Justice; May 17, 2011, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;
1-6 May 17, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1658 By: Carona

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the refund of a cash bond to a defendant in a criminal
1-11 case.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Article 17.02, Code of Criminal Procedure, is
1-14 amended to read as follows:

1-15 Art. 17.02. DEFINITION OF "BAIL BOND". A "bail bond" is a
1-16 written undertaking entered into by the defendant and the
1-17 defendant's [~~his~~] sureties for the appearance of the principal
1-18 therein before a [~~some~~] court or magistrate to answer a criminal
1-19 accusation; provided, however, that the defendant on [~~upon~~]
1-20 execution of the [~~such~~] bail bond may deposit with the custodian of
1-21 funds of the court in which the prosecution is pending current money
1-22 of the United States in the amount of the bond in lieu of having
1-23 sureties signing the same. Any cash funds deposited under this
1-24 article [~~Article~~] shall be receipted for by the officer receiving
1-25 the funds [~~same~~] and, on order of the court, [~~shall~~] be refunded,
1-26 after [~~to~~] the defendant [~~if and when the defendant~~] complies with
1-27 the conditions of the defendant's [~~his~~] bond, to:

1-28 (1) any person in the name of whom a receipt was
1-29 issued, in the amount reflected on the face of the receipt,
1-30 including the defendant if a receipt was issued to the defendant; or

1-31 (2) the defendant, if no other person is able to
1-32 produce a receipt for the funds [~~, and upon order of the court~~].

1-33 SECTION 2. The change in law made by this Act applies only
1-34 to a cash bond that is executed on or after the effective date of
1-35 this Act. A cash bond executed before the effective date of this
1-36 Act is governed by the law in effect when the cash bond was
1-37 executed, and the former law is continued in effect for that
1-38 purpose.

1-39 SECTION 3. This Act takes effect September 1, 2011.

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