

By: Kuempel

H.B. No. 1748

A BILL TO BE ENTITLED

AN ACT

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

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

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

Art. 17.02. DEFINITION OF "BAIL BOND". A "bail bond" is a written undertaking entered into by the defendant and the defendant's ~~his~~ sureties for the appearance of the principal therein before a some ~~some~~ court or magistrate to answer a criminal accusation; provided, however, that the defendant on ~~upon~~ execution of the ~~such~~ bail bond may deposit with the custodian of funds of the court in which the prosecution is pending current money of the United States in the amount of the bond in lieu of having sureties signing the same. Any cash funds deposited under this article ~~Article~~ shall be receipted for by the officer receiving the funds ~~same~~ and, on order of the court and except as otherwise provided by this article, ~~shall~~ be refunded to the defendant after the defendant ~~if and when the defendant~~ complies with the conditions of the defendant's ~~his~~ bond~~, and upon order of the court~~. For the purpose of paying any of the defendant's outstanding fines, court costs, or amounts of restitution, a defendant who filed a cash bond under this article but has not yet complied with the conditions of the bond may, as part of a plea

1 bargain or deferred prosecution agreement, request the withholding
2 or assignment of all or an appropriate amount of any refund of the
3 deposited cash funds. Funds may not be withheld or assigned under
4 this article to pay attorney's fees owed by the defendant.

5 SECTION 2. The change in law made by this Act applies only
6 to a cash bond that is executed on or after the effective date of
7 this Act. A cash bond executed before the effective date of this
8 Act is governed by the law in effect when the cash bond was
9 executed, and the former law is continued in effect for that
10 purpose.

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