

By: Whitmire

S.B. No. 878

A BILL TO BE ENTITLED

AN ACT

relating to a defendant's release on a personal bond or bail bond.

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]~~ 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. A court or magistrate may not authorize a defendant or a person acting on the defendant's behalf to deposit cash in an amount that is less than the full amount of the bail set by the court or magistrate. Any cash funds deposited under this article ~~[Article]~~ shall be receipted for by the officer receiving the funds ~~[same]~~ and shall be refunded to the defendant after ~~[if and when]~~ the defendant complies with the conditions of the defendant's ~~[his]~~ bond, and on ~~[upon]~~ order of the court.

SECTION 2. Article 17.03, Code of Criminal Procedure, is amended by adding Subsection (a-1) to read as follows:

(a-1) A court or magistrate may not require the deposit of

1 money or any other security as a condition of bond for a defendant's
2 release under this article.

3 SECTION 3. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2011.