

1-1 By: Whitmire S.B. No. 878
1-2 (In the Senate - Filed February 23, 2011; March 1, 2011,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 April 14, 2011, reported favorably by the following vote: Yeas 6,
1-5 Nays 0; April 14, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to a defendant's release on a personal bond or bail bond.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Article 17.02, Code of Criminal Procedure, is
1-11 amended to read as follows:

1-12 Art. 17.02. DEFINITION OF "BAIL BOND". A "bail bond" is a
1-13 written undertaking entered into by the defendant and the
1-14 defendant's [his] sureties for the appearance of the principal
1-15 therein before a [some] court or magistrate to answer a criminal
1-16 accusation; provided, however, that the defendant on [upon]
1-17 execution of the [such] bail bond may deposit with the custodian of
1-18 funds of the court in which the prosecution is pending current money
1-19 of the United States in the amount of the bond in lieu of having
1-20 sureties signing the same. A court or magistrate may not authorize
1-21 a defendant or a person acting on the defendant's behalf to deposit
1-22 cash in an amount that is less than the full amount of the bail set
1-23 by the court or magistrate. Any cash funds deposited under this
1-24 article [Article] shall be receipted for by the officer receiving
1-25 the funds [same] and shall be refunded to the defendant after [if
1-26 and when] the defendant complies with the conditions of the
1-27 defendant's [his] bond, and on [upon] order of the court.

1-28 SECTION 2. Article 17.03, Code of Criminal Procedure, is
1-29 amended by adding Subsection (a-1) to read as follows:

1-30 (a-1) A court or magistrate may not require the deposit of
1-31 money or any other security as a condition of bond for a defendant's
1-32 release under this article.

1-33 SECTION 3. This Act takes effect immediately if it receives
1-34 a vote of two-thirds of all the members elected to each house, as
1-35 provided by Section 39, Article III, Texas Constitution. If this
1-36 Act does not receive the vote necessary for immediate effect, this
1-37 Act takes effect September 1, 2011.

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