

By: Nichols

S.B. No. 909

A BILL TO BE ENTITLED

AN ACT

relating to the discharge of a surety's liability on a bail bond in a criminal case.

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

SECTION 1. Article 17.16, Code of Criminal Procedure, is amended to read as follows:

Art. 17.16. DISCHARGE OF LIABILITY; SURRENDER OR INCARCERATION OF PRINCIPAL BEFORE FAILURE TO APPEAR ~~[FORFEITURE]~~.

(a) A surety, during the pendency of a prosecution for which the surety is liable and ~~[may]~~ before the accused's failure to appear, may, before a final judgment of the accused's bond forfeiture is signed, ~~[forfeiture]~~ relieve the surety ~~[himself]~~ of the surety's ~~[his]~~ undertaking by

~~[(1)]~~ surrendering the accused into the custody of the sheriff of the county where the prosecution is pending ~~[, or~~

~~[(2) delivering to the sheriff of the county where the prosecution is pending an affidavit stating that the accused is incarcerated in federal custody, in the custody of any state, or in any county of this state].~~

(b) A surety is liable for all necessary and reasonable expenses incurred in surrendering the accused into the custody of the sheriff of the county where the prosecution is pending. ~~[For the purposes of Subsection (a)(2) of this article, the bond is discharged and the surety is absolved of liability on the bond on~~

1 ~~the sheriff's verification of the incarceration of the accused.]~~

2 SECTION 2. The change in law made by this Act to Article
3 17.16, Code of Criminal Procedure, applies only to a bail bond that
4 is executed on or after the effective date of this Act. A bail bond
5 executed before the effective date of this Act is governed by the
6 law in effect when the bail bond was executed, and the former law is
7 continued in effect for that purpose.

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