

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 2, 2011**

**TO:** Honorable Pete Gallego, Chair, House Committee on Criminal Jurisprudence

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB1686** by Fletcher (Relating to the discharge of a surety's liability on a bail bond in a criminal case. ), **Committee Report 1st House, Substituted**

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| <p><b>No significant fiscal implication to the State is anticipated.</b></p> |
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The bill would amend the Code of Criminal Procedure to require a judge or a magistrate in whose court a criminal action is pending to discharge a surety's liability on a bond if the surety files an affidavit stating more than five years have expired since the surety posted the bond; the surety wants to be removed; and the surety provides the prosecuting attorney notice of the affidavit. A judge or magistrate that discharges a surety's liability and an indictment or information is pending against the defendant, would be required to issue a capias for the defendant.

The bill would take effect September 1, 2011.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** JOB, ESi, TP, TB