

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

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

**April 11, 2011**

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

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

**IN RE: HB2467** by Phillips (Relating to the discharge of a surety's liability on a bail bond in a criminal case.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Code of Criminal Procedure to authorize a surety to relieve the surety of the surety's undertaking by delivering an affidavit to the prosecuting attorney and the county court clerk stating that the accused is incarcerated, unless the accused is not a United States citizen and is unlawfully present in the United States.

The county sheriff would be required to verify the statement in the affidavit that the accused is incarcerated and submit the affidavit to the court or magistrate where the prosecution is pending. The court or magistrate would be authorized to direct the court clerk to issue a capias for the arrest of the accused upon receipt of the verified affidavit.

The bill would take effect September 1, 2011.

**Local Government Impact**

There could be a fiscal impact depending on the number of sureties who relieve themselves of their liability and surrender individuals who are not citizens and are unlawfully present in the United States; however, the amount is unknown because the number of Release of Sureties is not tracked by a state agency.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 409 Commission on Jail Standards

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