

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 3, 2011

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

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

IN RE: SB877 by Hinojosa (Relating to a verification of the incarceration of an accused person in a criminal case for the purpose of discharging a surety's liability on a bail bond.), **As Engrossed**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Code of Criminal Procedure to require a sheriff, prosecuting attorney, or clerk of the court to verify an affidavit from a surety stating the accused is in custody of another governmental entity before discharging the surety's liability on a bail bond. The bill would require a sheriff to place a detainer on the accused and notify both appropriate officials in the jurisdiction in which the accused is incarcerated and the court or magistrate for which prosecution is pending. The magistrate would then be required to direct the court to issue a writ of habeas corpus for the arrest of the accused if deemed necessary.

The bill would take effect immediately if it receives a vote of two-thirds of all members elected to each house. If the bill does not receive the votes required to pass, 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, JB, TP, TB