

SENATE AMENDMENTS

2nd Printing

By: Davis of Dallas

H.B. No. 1658

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the refund of a cash bond to a defendant in a criminal
3 case.

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

5 SECTION 1. Article 17.02, Code of Criminal Procedure, is
6 amended to read as follows:

7 Art. 17.02. DEFINITION OF "BAIL BOND". A "bail bond" is a
8 written undertaking entered into by the defendant and the
9 defendant's [~~his~~] sureties for the appearance of the principal
10 therein before a [~~some~~] court or magistrate to answer a criminal
11 accusation; provided, however, that the defendant on [~~upon~~]
12 execution of the [~~such~~] bail bond may deposit with the custodian of
13 funds of the court in which the prosecution is pending current money
14 of the United States in the amount of the bond in lieu of having
15 sureties signing the same. Any cash funds deposited under this
16 article [~~Article~~] shall be receipted for by the officer receiving
17 the funds [~~same~~] and, on order of the court, [~~shall~~] be refunded to
18 only the defendant after the defendant [~~if and when the defendant~~]
19 complies with the conditions of the defendant's [~~his~~] bond[~~, and~~
20 ~~upon order of the court~~].

21 SECTION 2. The change in law made by this Act applies only
22 to a cash bond that is executed on or after the effective date of
23 this Act. A cash bond executed before the effective date of this
24 Act is governed by the law in effect when the cash bond was

1 executed, and the former law is continued in effect for that
2 purpose.

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

ADOPTED

MAY 24 2011

Atty. Gen.
Secretary of the Senate

By: Davis

H.B. No. 1658

Substitute the following for ___B. No. _____:

By: Carmon

C.S. ___B. No. _____

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12 execution of the [~~such~~] bail bond may deposit with the custodian of
13 funds of the court in which the prosecution is pending current money
14 of the United States in the amount of the bond in lieu of having
15 sureties signing the same. Any cash funds deposited under this
16 article [~~Article~~] shall be receipted for by the officer receiving
17 the funds [~~same~~] and, on order of the court, [~~shall~~] be refunded,
18 after [~~to~~] the defendant [~~if and when the defendant~~] complies with
19 the conditions of the defendant's [~~his~~] bond, to:

20 (1) any person in the name of whom a receipt was
21 issued, in the amount reflected on the face of the receipt,
22 including the defendant if a receipt was issued to the defendant; or

23 (2) the defendant, if no other person is able to
24 produce a receipt for the funds [~~, and upon order of the court~~].

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

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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 24, 2011

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

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

IN RE: HB1658 by Davis, Yvonne (Relating to the refund of a cash bond to a defendant in a criminal case.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to specify that a defendant may be refunded a bail bond on order of the court and only after the defendant complies with the conditions of the bond.

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, SD, ESi, TP

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 16, 2011

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

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

IN RE: HB1658 by Davis, Yvonne (Relating to the refund of a cash bond to a defendant in a criminal case.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to specify that a defendant may be refunded a bail bond on order of the court and only after the defendant complies with the conditions of the bond.

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

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 6, 2011

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

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

IN RE: HB1658 by Davis, Yvonne (Relating to the refund of a cash bond to a defendant in a criminal case.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to specify that a defendant may be refunded a bail bond on order of the court and only after the defendant complies with the conditions of the bond.

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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 11, 2011

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

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

IN RE: HB1658 by Davis, Yvonne (Relating to the refund of a cash bond to a defendant 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 specify that a defendant may be refunded a bail bond on order of the court and only after the defendant complies with the conditions of the bond.

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