

House Bill 1658
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

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

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

SENATE VERSION (CS)

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

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

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

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

SECTION 2. Same as House version.

SECTION 3. Same as House version.

CONFERENCE