

1-1 By: Harless, Canales (Senate Sponsor - Hinojosa) H.B. No. 1562  
1-2 (In the Senate - Received from the House May 6, 2013;  
1-3 May 7, 2013, read first time and referred to Committee on Criminal  
1-4 Justice; May 17, 2013, reported favorably by the following vote:  
1-5 Yeas 7, Nays 0; May 17, 2013, sent to printer.)

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COMMITTEE VOTE

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	Yea	Nay	Absent	PNV
Whitmire	X			
Huffman	X			
Carona	X			
Hinojosa	X			
Patrick	X			
Rodriguez	X			
Schwertner	X			

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A BILL TO BE ENTITLED  
AN ACT

1-17 relating to notice provided when a bail bond surety is in default.  
1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
1-19 SECTION 1. Article 17.11, Code of Criminal Procedure, is  
1-20 amended by amending Section 2 and adding Section 3 to read as  
1-21 follows:  
1-22 Sec. 2. Provided, however, any person who has signed as a  
1-23 surety on a bail bond and is in default thereon shall thereafter be  
1-24 disqualified to sign as a surety so long as the person [he] is in  
1-25 default on the ~~[said]~~ bond. It shall be the duty of the clerk of the  
1-26 court where the [wherein such] surety is in default on a bail  
1-27 bond~~[.]~~ to notify in writing the sheriff, chief of police, or other  
1-28 peace officer~~[.]~~ of the ~~[such]~~ default. If a bail bond is taken for  
1-29 an offense other than a Class C misdemeanor, the clerk of the court  
1-30 where the surety is in default on the bond shall send notice of the  
1-31 default by certified mail to the last known address of the surety.  
1-32 Sec. 3. A surety is considered to be ~~[shall be deemed]~~ in  
1-33 default from the time execution may be issued on a final judgment in  
1-34 a bond forfeiture proceeding under the Texas Rules of Civil  
1-35 Procedure, unless the final judgment is superseded by the posting  
1-36 of a supersedeas bond.  
1-37 SECTION 2. The change in law made by this Act to Article  
1-38 17.11, Code of Criminal Procedure, applies only to a bail bond that  
1-39 is executed on or after the effective date of this Act. A bail bond  
1-40 executed before the effective date of this Act is governed by the  
1-41 law in effect when the bail bond was executed, and the former law is  
1-42 continued in effect for that purpose.  
1-43 SECTION 3. This Act takes effect September 1, 2013.

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