

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

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**March 25, 2013**

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

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: SB876** by Patrick (Relating to the discharge of a surety's liability on a bail bond in a criminal case.), **As Introduced**

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

The bill would amend the Code of Criminal Procedure to require a judge or a magistrate in whose court a criminal action is pending to discharge a surety's liability on a bond if the surety files an affidavit stating that: more than five years have expired since the date of the defendant's last court hearing or appearance in the case; the surety wants to be removed; and the surety provides the prosecuting attorney notice of the affidavit. A judge or magistrate that discharges a surety's liability and an indictment or information is pending against the defendant would be required to issue a writ of habeas corpus for the defendant.

**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:** UP, ESi, SD, KKR