

## **BILL ANALYSIS**

Senate Research Center  
84R18960 KJE-F

H.B. 643  
By: Harless (Whitmire)  
Criminal Justice  
4/30/2015  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Under current law, even though an information or indictment in a court case is sometimes never pursued, a surety's liability remains committed with the prosecutor or defense attorney authorized to file a motion to discharge the case and bond.

H.B. 643 provides that a surety may file a motion to discharge a defendant's bond in a case in which prosecutors have not moved to file information or bring an indictment in 180 days or by the last day of the next term of court.

A motion to discharge by a surety applies to the bond only, and does not impact the case or prosecution. This frees up the surety's liability for future bond business.

H.B. 643 amends current law relating to the procedures for discharging bail in certain criminal proceedings.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Article 32.01, Code of Criminal Procedure, as follows:

Art. 32.01. DEFENDANT IN CUSTODY AND NO INDICTMENT PRESENTED. (a)  
Creates this subsection from existing text and makes nonsubstantive changes.

(b) Authorizes a surety to file a motion under Subsection (a) (relating to the dismissal of the prosecution and the discharge of bail if indictment or information is not presented against the defendant before certain dates) for the purpose of discharging the defendant's bail only.

SECTION 2. Effective date: September 1, 2015.