

By: Harless

H.B. No. 643

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the procedures for discharging bail in certain criminal  
3 proceedings.

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

5 SECTION 1. Article 32.01, Code of Criminal Procedure, is  
6 amended to read as follows:

7 Art. 32.01. DEFENDANT IN CUSTODY AND NO INDICTMENT  
8 PRESENTED. (a) When a defendant has been detained in custody or  
9 held to bail for the defendant's [~~his~~] appearance to answer any  
10 criminal accusation, the prosecution, unless otherwise ordered by  
11 the court, for good cause shown, supported by affidavit, shall be  
12 dismissed and the bail discharged, if indictment or information be  
13 not presented against the [~~such~~] defendant on or before the last day  
14 of the next term of the court which is held after the defendant's  
15 [~~his~~] commitment or admission to bail or on or before the 180th day  
16 after the date of commitment or admission to bail, whichever date is  
17 later.

18 (b) The court shall dismiss the prosecution and discharge  
19 the defendant's bail under Subsection (a) on its own motion or on  
20 the motion of the defendant or the attorney representing the state.  
21 A surety may file a motion under that subsection for the purpose of  
22 discharging the defendant's bail only.

23 SECTION 2. This Act takes effect September 1, 2015.