

By: Canales

H.B. No. 2448

A BILL TO BE ENTITLED

AN ACT

relating to the verification of the incarceration of an accused person in a criminal case for the purpose of discharging a surety's liability on a bail bond.

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

SECTION 1. Article 17.16(a), Code of Criminal Procedure, is amended to read as follows:

(a) A surety may before forfeiture relieve the surety of the surety's undertaking by:

(1) surrendering the accused into the custody of the sheriff of the county where the prosecution is pending; or

(2) delivering to the sheriff of the county in which the prosecution is pending and to the office of the prosecuting attorney an affidavit stating that the accused is incarcerated in:

(A) federal custody~~[, subject to Subsection (a-1)]~~;

(B) the custody of any state; or

(C) any county of this state.

SECTION 2. Article 17.16(a-1), Code of Criminal Procedure, is repealed.

SECTION 3. Article 17.16, Code of Criminal Procedure, as amended by this Act, applies only to a bail bond that is executed on or after the effective date of this Act. A bail bond executed before the effective date of this Act is governed by the law in

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1 effect on the date the bail bond was executed, and the former law is
2 continued in effect for that purpose.

3 SECTION 4. This Act takes effect September 1, 2021.