

1-1 By: Canales (Senate Sponsor - Hinojosa) H.B. No. 2448
1-2 (In the Senate - Received from the House April 27, 2021;
1-3 May 17, 2021, read first time and referred to Committee on
1-4 Jurisprudence; May 21, 2021, reported favorably by the following
1-5 vote: Yeas 5, Nays 0; May 21, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			

1-13 A BILL TO BE ENTITLED
1-14 AN ACT

1-15 relating to the verification of the incarceration of an accused
1-16 person in a criminal case for the purpose of discharging a surety's
1-17 liability on a bail bond.

1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-19 SECTION 1. Article 17.16(a), Code of Criminal Procedure, is
1-20 amended to read as follows:

1-21 (a) A surety may before forfeiture relieve the surety of the
1-22 surety's undertaking by:

1-23 (1) surrendering the accused into the custody of the
1-24 sheriff of the county where the prosecution is pending; or

1-25 (2) delivering to the sheriff of the county in which
1-26 the prosecution is pending and to the office of the prosecuting
1-27 attorney an affidavit stating that the accused is incarcerated in:

1-28 (A) federal custody[~~, subject to Subsection~~
1-29 ~~(a-1)~~];

1-30 (B) the custody of any state; or

1-31 (C) any county of this state.

1-32 SECTION 2. Article 17.16(a-1), Code of Criminal Procedure,
1-33 is repealed.

1-34 SECTION 3. Article 17.16, Code of Criminal Procedure, as
1-35 amended by this Act, applies only to a bail bond that is executed on
1-36 or after the effective date of this Act. A bail bond executed
1-37 before the effective date of this Act is governed by the law in
1-38 effect on the date the bail bond was executed, and the former law is
1-39 continued in effect for that purpose.

1-40 SECTION 4. This Act takes effect September 1, 2021.

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