By:  Whitmire S.B. No. 1151

(In the Senate - Filed February 23, 2023; March 9, 2023, read first time and referred to Committee on Criminal Justice; March 23, 2023, reported adversely, with favorable Committee Substitute by the following vote: Yeas 7, Nays 0; March 23, 2023, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Whitmire        X

Flores          X

Bettencourt     X

Hinojosa        X

Huffman         X

King            X

Miles           X

COMMITTEE SUBSTITUTE FOR S.B. No. 1151 By:  Whitmire

A BILL TO BE ENTITLED

AN ACT

relating to the authority of corporations to act as sureties on bail bonds.

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

SECTION 1.  Article 17.06, Code of Criminal Procedure, is amended to read as follows:

Art. 17.06.  CORPORATION AS SURETY.  (a) In [~~Wherever in~~] this chapter [~~Chapter~~], if a [~~any~~] person is required or authorized to give or execute a [~~any~~] bail bond, the [~~such~~] bail bond may be given or executed by the [~~such~~] principal and a [~~any~~] corporation authorized by law to act as surety, subject to all applicable [~~the~~] provisions of this chapter [~~Chapter~~] regulating and governing the giving of bail bonds by personal surety [~~insofar as the same is applicable~~].

(b)  Before executing a bail bond for the release of a defendant, a corporation acting as surety, or the agent executing the bail bond on behalf of the corporation acting as surety, shall:

(1)  collect a premium of not less than 10 percent of the total surety bond amount; and

(2)  submit to the sheriff of the county in which the prosecution is pending a sworn affidavit that confirms payment of the premium and identifies:

(A)  the amount paid for the premium;

(B)  the method of payment for the premium, including cash, a type of cash equivalent, a property transfer, a property lien, or another method; and

(C)  the person who paid the premium.

SECTION 2.  Article 17.06, Code of Criminal Procedure, as amended by this Act, applies only to a bail bond 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 effect on the date the bail bond was executed, and the former law is continued in effect for that purpose.

SECTION 3.  This Act takes effect September 1, 2023.

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