

By: Menéndez

S.B. No. 106

A BILL TO BE ENTITLED

AN ACT

relating to state, local, and court involvement in determining whether victims and witnesses to an offense and certain detained, arrested, or incarcerated persons are lawfully present in the United States.

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

SECTION 1. The following provisions are repealed:

- (1) Articles 2.13(d) and (e), Code of Criminal Procedure;
- (2) Article 2.251, Code of Criminal Procedure;
- (3) Article 17.16(a-1), Code of Criminal Procedure;
- (4) Article 42.039, Code of Criminal Procedure;
- (5) Section 402.0241, Government Code;
- (6) Subchapter C, Chapter 752, Government Code;
- (7) Section 772.0076, Government Code;
- (8) Section 87.031(c), Local Government Code; and
- (9) Section 39.07, Penal Code.

SECTION 2. 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

1 the prosecution is pending and to the office of the prosecuting  
2 attorney an affidavit stating that the accused is incarcerated in[+  
3 [(A)] federal custody, in [~~subject to Subsection~~  
4 ~~(a-1)~~],  
5 [(B)] the custody of any state, + or in  
6 [(C)] any county of this state.

7 SECTION 3. This Act takes effect immediately if it receives  
8 a vote of two-thirds of all the members elected to each house, as  
9 provided by Section 39, Article III, Texas Constitution. If this  
10 Act does not receive the vote necessary for immediate effect, this  
11 Act takes effect September 1, 2023.