

**BILL ANALYSIS**

C.S.S.B. 40  
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Criminal Jurisprudence  
Committee Report (Substituted)

**BACKGROUND AND PURPOSE**

In a February 2025 press conference, the bill author pointed to findings that Harris County may have issued payments to a charitable bail organization. C.S.S.B. 40 seeks to ensure that this type of action does not occur by prohibiting the use of public funds of a political subdivision to pay a nonprofit organization that accepts and uses donations from the public to deposit money with a court in the amount of a defendant's bail bond.

**CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

**RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

**ANALYSIS**

C.S.S.B. 40 amends the Local Government Code to prohibit a political subdivision from spending public funds to pay a nonprofit organization that accepts and uses donations from the public to deposit money with a court in the amount of a defendant's bail bond. The bill entitles a taxpayer or resident of a political subdivision that engages in such prohibited activity to appropriate injunctive relief to prevent further prohibited activity and further payment of public funds related to that activity. The bill entitles a party that prevails in such an action to recover the party's reasonable attorney's fees and costs.

**EFFECTIVE DATE**

September 1, 2025.

**COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE**

While C.S.S.B. 40 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

Whereas the engrossed entitled a taxpayer or resident who prevails in an action under the bill's provisions to recover reasonable attorney's fees and costs incurred in bringing the action, the substitute instead entitles a party that prevails in such an action to recover reasonable attorney's fees and costs.