

By: Anchía

H.B. No. 2837

A BILL TO BE ENTITLED

AN ACT

1
2 relating to state, local, and court involvement in determining
3 whether victims and witnesses to an offense and certain detained,
4 arrested, or incarcerated persons are lawfully present in the
5 United States.

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

7 SECTION 1. The following provisions are repealed:

- 8 (1) Article 2A.059, Code of Criminal Procedure;
9 (2) Article 2A.060, Code of Criminal Procedure;
10 (3) Article 17.16(a-1), Code of Criminal Procedure;
11 (4) Article 42.039, Code of Criminal Procedure;
12 (5) Section 402.0241, Government Code;
13 (6) Subchapter C, Chapter 752, Government Code;
14 (7) Section 772.0076, Government Code;
15 (8) Section 87.031(c), Local Government Code; and
16 (9) Section 39.07, Penal Code.

17 SECTION 2. Article 17.16(a), Code of Criminal Procedure, is
18 amended to read as follows:

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

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

23 (2) delivering to the sheriff of the county in which
24 the prosecution is pending and to the office of the prosecuting

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

6 SECTION 3. This Act takes effect immediately if it receives
 7 a vote of two-thirds of all the members elected to each house, as
 8 provided by Section 39, Article III, Texas Constitution. If this
 9 Act does not receive the vote necessary for immediate effect, this
 10 Act takes effect September 1, 2025.