

BILL ANALYSIS

H.B. 2448
By: Canales
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

While bail bondsmen are authorized to relieve their obligations by surrendering the accused into the custody of the county sheriff or by delivering to the sheriff a sworn affidavit stating that the accused is in county, state, or federal custody, it has been noted that this process does not hold if the accused is in federal custody to determine whether the accused is lawfully present in the United States. Additionally, concerns have been raised regarding the undue hurdles in securing bond faced by incarcerated individuals accused of unlawful presence in the United States, forcing these individuals to remain in county jails at great expense to Texas counties.

H.B. 2448 seeks to address these special cases wherein a surety cannot be relieved of liability until federal authorities determine whether the accused is lawfully present in the United States by repealing the prohibition against a surety's liability on a bail bond being relieved if the accused is in federal custody to determine whether the accused is lawfully present in the United States.

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

H.B. 2448 repeals Article 17.16(a-1), Code of Criminal Procedure, which prohibits a surety's liability on a bail bond from being relieved if the accused is in federal custody to determine whether the accused is lawfully present in the United States. The bill amends the Code of Criminal Procedure to make a conforming change.

EFFECTIVE DATE

September 1, 2021.