

SUBJECT: Requiring court costs to be deducted from refunded bail bonds

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 7 ayes — Hinojosa, Keel, Talton, Garcia, Green, Kitchen, Martinez Fischer
0 nays
2 absent — Dunnam, Shields

SENATE VOTE: On final passage, February 12 — 30-0

WITNESSES: None

BACKGROUND: Code of Criminal Procedure (CCP), art. 17.02 defines a bail bond as a written undertaking entered into by the defendant and sureties for the appearance of the principal in the bond before a court or magistrate to answer a criminal accusation. A surety is a person who undertakes to pay money or perform other acts in the event that the defendant fails to meet the bond conditions, such as appearing before the court on a specific date. The surety is directly and immediately liable for the debt. The principal is the person covered by the bail bond.

The defendant also can deposit with the court money in the amount of the bond in lieu of having a surety sign a bond. Any cash deposited under art. 17.02 must be refunded to the defendant if and when the defendant complies with the conditions of the bond, and upon order of the court.

DIGEST: SB 173 would require that any cash funds deposited under CCP, art. 17.02 be refunded to the surety if there is a surety on the bond or to the defendant if there is no surety, if and when the defendant complied with the conditions of the bond, and upon order of the court. The custodian of funds could deduct from the amount to be refunded any outstanding fines and court costs owed by the defendant that related to the offense for which the defendant was released on bail.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2001.

**SUPPORTERS
SAY:**

SB 173 would allow counties to recoup costs owed by financially delinquent defendants. Currently, if a defendant has outstanding court costs, the court does not have the authority to withhold the amount owed from the defendant's refunded bail bond. This bill would ensure that defendants pay their obligations to the courts before receiving a refund of their bonds.

The bill also would protect bail bond sureties from being charged in cases where a defendant had outstanding court charges from a previous criminal case. SB 173 specifically would allow outstanding charges to be deducted only from the criminal case for which the bond was issued.

**OPPONENTS
SAY:**

No apparent opposition.