

## **BILL ANALYSIS**

Senate Research Center

S.B. 1120  
By: Armbrister  
Criminal Justice  
4/27/2001  
Committee Report (Substituted)

### **DIGEST AND PURPOSE**

Under current Texas law, the complete forfeiture of a criminal bail bond is prohibited until a final judgment has been entered in a forfeiture case and, further, a final judgement is prevented from being entered for nine months in a misdemeanor case and 18 months in a felony case. The interference by these provisions with the judiciary's ability to enter final judgment in accordance with the Rules of Civil Procedure has been ruled unconstitutional. C.S.S.B. 1120 allows for the remittance of a forfeited bond, minus certain costs.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Article 22.16, Code of Criminal Procedure, to require the court, after forfeiture of a bond and before entry of final judgment, rather than the expiration of the time limits set by Subsection (c) of this article, to remit, on written motion, to the surety the amount of the bond, after deducting the costs of court and any reasonable and necessary costs to the county for the return of the principal, and the interest accrued on the bond amount as provided by Subsection (c), rather than Subsection (e), of this article if certain specific conditions are met. Deletes existing text pertaining to the incarceration of the principal. Authorizes the court, for other good cause shown before the entry of a final judgment against the bond, in its discretion, to remit to the surety all or part of the amount of the bond after deducting certain specific costs. Deletes existing text pertaining to confirmation of the incarceration of the principal and time limits for a final judgment. Reletters existing Subsection (e) as Subsection (c). Makes conforming changes.

SECTION 2. Amends Article 44.04(a), Code of Criminal Procedure, to delete existing text pertaining to the discharge of a bond.

SECTION 3. Effective date: September 1, 2001.  
Makes application of this Act prospective.

### **SUMMARY OF COMMITTEE CHANGES**

Deletes previously proposed SECTION 1.

Deletes previously proposed SECTION 2.

Renumbers previously proposed SECTIONS 3 - 5 as SECTIONS 1 - 3 with no change.