

**BILL ANALYSIS**

Senate Research Center  
77R2738 JMG-F

S.B. 173  
By: Carona  
Criminal Justice  
1/25/2001  
As Filed

**DIGEST AND PURPOSE**

Currently, a criminal defendant is refunded all cash funds posted for his or her bail bond if and when the defendant has complied with all of the conditions of that bond. As proposed, S.B. 173 amends Article 17.02, Code of Criminal Procedure, to allow all cash funds posted on a criminal defendant's bail bond to be refunded to a surety if there is a surety on the bond and makes clear that if there are funds to be refunded to the defendant, the custodian of funds is authorized to deduct any outstanding fines and court costs owed by the defendant.

**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 17.02, Code of Criminal Procedure, to redefine "bail bond." Requires any cash funds deposited under this Article to be receipted for by the officer receiving the same and is required to 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 complies with the conditions of his or her bond, and upon order of the court. Authorizes the custodian of funds, if funds are to be refunded to the defendant, to deduct from the amount to be refunded any outstanding fines and court costs owed by the defendant.

SECTION 2. Effective date: upon passage or September 1, 2001.