

BILL ANALYSIS

Senate Research Center
77R2738 JMG-D

C.S.S.B. 173
By: Carona
Criminal Justice
2/1/2001
Committee Report (Substituted)

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, C.S.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 requires them 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 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.

SUMMARY OF COMMITTEE CHANGES

SECTION 1. Amends as Filed S.B. 173, Article 17.02, Code of Criminal Procedure, to delete previous language pertaining to refunding funds to the defendant.