

## BILL ANALYSIS

Senate Research Center

S.B. 1336  
By: Hinojosa  
Criminal Justice  
4/16/2003  
Committee Report (Amended)

### DIGEST AND PURPOSE

Sureties are subject to forfeiture of the full face amount of the posted bond when a defendant fails to appear. Most jurisdictions will give bail agents some opportunity to attempt to find a defendant and return the defendant to court. However, current practices vary widely from county to county. S.B. 1336 provides for the exoneration of a criminal defendant and the defendant's sureties on a personal bond or bail bond for certain causes. This bill also provides for certain procedures in connection with bond forfeiture.

### 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 22.13, Code of Criminal Procedure, to provide certain additional causes which will exonerate a defendant and his sureties, if any, from liability upon the forfeiture taken.

SECTION 2. Amends Article 22.16, Code of Criminal Procedure, as follows:

- (a) Requires the court, after forfeiture of a bond and before entry of a final judgment, on written motion to remit to the surety the amount of the bond, after deducting certain costs.
- (b) Creates this subsection from existing text from former Subsection (d). Deletes language regarding a surety's request for confirmation of the incarceration of his principal and notification requirements of a law enforcement agency. Deletes former Subsection (c) regarding the entering of a final judgment against a bond.
- (c) Redesignated from former Subsection (e).

SECTION 3. Amends Article 44.04(a), Code of Criminal Procedure, to delete language regarding a defendant charged with a misdemeanor who is on bail.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: upon passage or September 1, 2003.

### LIST OF AMENDMENTS

Committee Amendment No. 1

- (1) Amend page 1, line 8.
- (2) Amend page 2, line 13.
- (3) Amend page 2, between lines 13 and 14.
- (4) Amend page 2, lines 14 through 19.
- (5) Amend page 4, between lines 21 and 22.
- (6) Renumber existing SECTIONS.