

BILL ANALYSIS

Senate Research Center
83R8871 ADM-F

H.B. 1562
By: Harless; Canales (Whitmire)
Criminal Justice
5/14/2013
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 1562 amends current law relating to notice provided when a bail bond surety is in default.

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 17.11, Code of Criminal Procedure, by amending Section 2 and adding Section 3, as follows:

Sec. 2. Requires the clerk of the court where a surety is in default on a bond, if a bail bond is taken for an offense other than a Class C misdemeanor, to send notice of the default by certified mail to the last known address of the surety. Makes nonsubstantive changes.

Sec. 3. Provides that a surety is considered to be in default, rather than requires that a surety be deemed in default, from the time execution is authorized to be issued on a final judgment in a bond forfeiture proceeding under the Texas Rules of Civil Procedure, unless the final judgment is superseded by the posting of a supersedeas bond.

SECTION 2. Provides that the change in law made by this Act to Article 17.11 (How Bail Bond is Taken), Code of Criminal Procedure, applies only to a bail bond that is executed on or after the effective date of this Act. A bail bond executed before the effective date of this Act is governed by the law in effect when the bail bond was executed, and the former law is continued in effect for that purpose.

SECTION 3. Effective date: September 1, 2013.