

BILL ANALYSIS

Senate Research Center
88R406 MEW-D

S.B. 1151
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Criminal Justice
3/17/2023
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In recent months, an issue has arisen in Harris County and several others involving criminal defendants who have been released from jail after posting a minimal percentage fee, as little as one percent in some cases, to obtain a surety bail bond. The Harris County Bail Board, after reviewing growing problems from this practice last year involving suspects charged with violent crimes, approved a new rule requiring that the minimum be no less than 10 percent. This bill seeks to make that a statewide standard to better safeguard public safety.

As proposed, S.B. 1151 amends current law relating to the authority of corporations to act as sureties on bail bonds.

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 17.06, Code of Criminal Procedure, as follows:

Art. 17.06. CORPORATION AS SURETY. (a) Authorizes the bail bond in Chapter 17 (Bail), if a person is required or authorized to give or execute a bail bond, to be given or executed by the principal and a corporation authorized by law to act as surety, subject to all applicable provisions of this chapter regulating and governing the giving of bail bonds by personal surety. Makes nonsubstantive changes.

(b) Prohibits a corporation from acting as a surety on a bail bond for a defendant unless the corporation requires the defendant before release to pay a fee to the corporation equal to not less than 10 percent of the total amount of the bail set for the defendant.

SECTION 2. Makes application of Article 17.06, Code of Criminal Procedure, as amended by this Act, prospective.

SECTION 3. Effective date: September 1, 2023.