

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1151
By: Whitmire
Criminal Justice
3/21/2023
Committee Report (Substituted)

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.

(Original Author's/Sponsor's Statement of Intent)

C.S.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) Requires a corporation acting as surety, or the agent executing the bail bond on behalf of the corporation acting as surety, before executing a bail bond for the release of a defendant, to:

- (1) collect a premium of not less than 10 percent of the total surety bond amount; and
- (2) submit to the sheriff of the county in which the prosecution is pending a sworn affidavit that confirms payment of the premium and identifies:
 - (A) the amount paid for the premium;
 - (B) the method of payment for the premium, including cash, a type of cash equivalent, a property transfer, a property lien, or another method; and
 - (C) the person who paid the premium.

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.