

By: West

S.B. No. 975

A BILL TO BE ENTITLED

AN ACT

relating to the requirements of and liability for a bail bond.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 17.08, Code of Criminal Procedure, is amended to read as follows:

Art. 17.08. REQUISITES OF A BAIL BOND. A bail bond must contain the following requisites:

1. That it be made payable to "The State of Texas";

2. That the defendant and the defendant's ~~[his]~~ sureties, if any, are bound ~~[bind themselves]~~ that the defendant will appear before the proper court or magistrate to answer the accusation against the defendant ~~[him]~~;

3. If the defendant is charged with a felony, that it state that the defendant ~~[he]~~ is charged with a felony. If the defendant is charged with a misdemeanor, that it state that the defendant ~~[he]~~ is charged with a misdemeanor;

4. That the bond be signed by name or mark by the principal and sureties, if any, each of whom shall write on the bond the person's ~~[thereon his]~~ mailing address;

5. That the bond state the time and place, when and where the accused is bound ~~[binds himself]~~ to appear, and the court or magistrate before whom the accused ~~[he]~~ is to appear. The bond shall also bind the defendant to appear before any court or magistrate before whom the cause may thereafter be pending at any

1 time when, and place where, the defendant's [~~his~~] presence may be
2 required under this Code or by any court or magistrate, but in no
3 event shall the sureties be bound after such time as the defendant
4 receives an order of deferred adjudication or is acquitted,
5 sentenced, placed on community supervision, placed in a pretrial
6 diversion program, or dismissed from the charge;

7 6. The bond shall also be conditioned that the
8 principal and sureties, if any, will pay all necessary and
9 reasonable expenses incurred by any and all sheriffs or other peace
10 officers in rearresting the principal in the event the principal
11 [~~he~~] fails to appear before the court or magistrate named in the
12 bond at the time stated therein. The amount of such expense shall
13 be in addition to the principal amount specified in the bond. The
14 failure of any bail bond to contain the conditions specified in this
15 paragraph shall in no manner affect the legality of any such bond,
16 but it is intended that the sheriff or other peace officer shall
17 look to the defendant and the defendant's [~~his~~] sureties, if any,
18 for expenses incurred by the sheriff or other officer [~~him~~], and not
19 to the State for any fees earned by the sheriff or other officer
20 [~~him~~] in connection with the rearresting of an accused who has
21 violated the conditions of the accused's [~~his~~] bond.

22 SECTION 2. Section 1704.208(b), Occupations Code, is
23 amended to read as follows:

24 (b) For purposes of this section, disposition of a case
25 occurs on the date the case is dismissed or the principal receives
26 an order of deferred adjudication or is acquitted, [~~or~~] convicted,
27 placed on community supervision, or placed in a pretrial diversion

1 program.

2 SECTION 3. The change in law made by this Act applies only
3 to a bail bond executed on or after the effective date of this Act.
4 A bail bond executed before the effective date of this Act is
5 governed by the law in effect on the date the bail bond was
6 executed, and the former law is continued in effect for that
7 purpose.

8 SECTION 4. This Act takes effect September 1, 2013.