

BILL ANALYSIS

Senate Research Center
82R8221 NAJ-F

S.B. 878
By: Whitmire
Criminal Justice
4/8/2011
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In Texas, the trial court judge or magistrate sets bond for a person who has been arrested. Thereafter, the defendant must determine what type of bond he or she will post. Current law allows for a cash bond, a surety bond, or a personal bond. If cash is used, it must be posted in the full amount of the bond. If a surety or personal bond is used, the defendant promises to appear and, if he or she does not, the bond is forfeited. A personal bond consists of nothing other than a promise to appear by the individual. A surety bond is signed by others who must pay the full amount of the bond if the defendant does not appear. Surety bonds have the lowest failure-to-appear rate.

Deposit bail is when a defendant pays only a small percentage of the face amount of a bond in exchange for his release. With this type of bond there is no other surety. The purpose of this bill is to discontinue the use of deposit bonds in the state of Texas.

This bill amends Article 17.02 (Definition of "Bail Bond"), Code of Criminal Procedure, to state that a bond posted to obtain the release of a principle must be posted in the full amount of the bond ordered by the trial court. It also amends Article 17.03 to state that a magistrate may not impose conditions on a personal bond that would include the principle posting any money or any other security as a condition of bond.

As proposed, S.B. 878 amends current law relating to a defendant's release on a personal bond or bail bond.

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 17.02, Code of Criminal Justice, to redefine "bail bond."

SECTION 2. Amends Article 17.03, Code of Criminal Justice, by adding Subsection (a-1) to prohibit a court or magistrate from requiring the deposit of money or any other security as a condition of bond for a defendant's release under this article.

SECTION 3. Effective date: upon passage or September 1, 2011.