

Monetary Bonds Information and Procedures

Senate Bill 6 amended Section 17.53 of the Code of Criminal Procedure requiring OCA to develop statewide procedures and prescribe forms to be used by a court to facilitate:

- the refund of any cash funds paid toward a monetary bond, with an emphasis on refunding those funds to the person in whose name the receipt described by Article 17.02 was issued; and
- the application of those cash funds to the defendant's outstanding court costs, fines, and fees.

Fees Charged under LGC 117.055 Effective 12/02/2021

- Pursuant to Section 117.055, Local Government Code, to compensate the county for the accounting and administrative expenses incurred in handling the registry funds that have not earned interest, including funds in a special or separate account, the Clerk may deduct a fee equal to 5% of the withdrawal, but not to exceed \$50, at the time of refunding a cash bail bond if:

- o Defendant was found guilty at trial or after appeal; or

- o Defendant entered a plea of guilty or nolo contendere and was convicted by the court or placed on deferred adjudication.

- Clerk may NOT deduct the fee if:

- o Defendant was found NOT guilty at trial or after appeal; or

- o the complaint, information or indictment was dismissed without a plea of guilty or nolo contendere being entered.

- If the Clerk deducts a fee before final disposition of the criminal case and the court subsequently makes or enters an order or ruling that would have prohibited the deduction of a fee if it had been entered before the bond was refunded, the Clerk must refund the amount of the deducted fee to the person who requested the refund of the cash bail bond funds. This DOES NOT apply to a dismissal following successful completion of deferred adjudication