

## CHAPTER 109

H.B. No. 521

## AN ACT

relating to the forfeiture of a bond in satisfaction of a fine and costs in a misdemeanor case punishable by fine only.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Chapter 45, Code of Criminal Procedure, is amended by adding Article 45.231 to read as follows:

*Art. 45.231. FORFEITURE OF BOND IN SATISFACTION OF FINE. (a) A justice may enter a judgment of conviction and forfeit a cash bond posted by the defendant in satisfaction of the defendant's fine and cost if the defendant:*

*(1) has entered a written and signed plea of nolo contendere and a waiver of jury trial; and*

*(2) fails to appear according to the terms of the defendant's release.*

*(b) A justice who enters a judgment of conviction and forfeiture under Subsection (a) of this article shall immediately notify the defendant in writing, by regular mail addressed to the defendant at the defendant's last known address, that:*

*(1) a judgment of conviction and forfeiture of bond was entered against the defendant on a date certain and the forfeiture satisfies the defendant's fine and costs in the case; and*

*(2) the defendant has a right to a new trial in the case if the defendant applies for the new trial not later than the 10th day after the date of judgment and forfeiture.*

*(c) Notwithstanding Article 45.45 of this code, the defendant may apply for a new trial within the period provided by Subsection (b) of this article, and the court shall grant the application if the application is made within the period. On the new trial, the court shall permit the defendant to withdraw the previously entered plea of nolo contendere and waiver of jury trial.*

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on April 6, 1993: Yeas 135, Nays 0, 1 present, not voting; passed by the Senate on April 30, 1993: Yeas 28, Nays 0.

Approved May 9, 1993.

Effective May 9, 1993.