

CHAPTER 641

H.B. No. 2220

AN ACT

relating to bond forfeiture proceedings in municipal courts, appeals from municipal courts, and the composition of county bail bond boards.

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

SECTION 1. Section 29.003, Government Code, is amended by adding Subsection (c) to read as follows:

(c) The municipal court has jurisdiction in the forfeiture and final judgment of all bail bonds and personal bonds taken in criminal cases of which the court has jurisdiction.

SECTION 2. Article 4.14, Code of Criminal Procedure, is amended to read as follows:

Art. 4.14. MUNICIPAL COURT. All municipal courts, including all municipal courts of record, in each incorporated city, town or village of this State shall have exclusive original jurisdiction within the corporate limits in all criminal cases in which punishment is by fine only and where the maximum of such fine does not exceed \$1,000 in all cases arising under the ordinances of such city, town or village that govern fire safety, zoning, or public health and sanitation, including dumping of refuse and where the maximum of such fine does not exceed \$200 in all other cases arising under the ordinances of such city, town or village, and shall have concurrent jurisdiction with any justice of the peace in any precinct in which the city, town or village is situated in all criminal cases arising under the criminal laws of this State, in which punishment is by fine only, and where the maximum of such fine may not exceed \$200, and arising within such corporate limits. *The municipal court has jurisdiction in the forfeiture and final judgment of all bail bonds and personal bonds taken in criminal cases of which the court has jurisdiction.*

SECTION 3. Article 44.17, Code of Criminal Procedure, is amended to read as follows:

Art. 44.17. *APPEAL TO COUNTY COURT, HOW CONDUCTED* [~~TRIALS DE NOVO~~]. In all appeals to a county court from justice courts and municipal courts other than municipal courts of record [~~and corporation courts to the county court~~], the trial shall be de novo in the trial in the county court, the same as if the prosecution had been originally commenced in that court. *An appeal to the county court from a municipal court of record may be based only on errors reflected in the record.*

SECTION 4. Article 45.10, Code of Criminal Procedure, is amended to read as follows:

Art. 45.10. APPEAL. Appeals from a *municipal* [~~corporation~~] court, *including appeals from final judgments in bond forfeiture proceedings*, shall be heard by the county court except in cases where the county court has no jurisdiction, in which counties such appeals shall be heard by the proper court. *Unless the appeal is taken from a municipal court of record and the appeal is based on error reflected in the record, the trial shall be de novo in the proper court* [~~In such appeals the trial shall be de novo~~]. Said appeals shall be governed by the rules of practice and procedure for appeals from justice courts to the county court, as far as applicable.

SECTION 5. Article 45.12, Code of Criminal Procedure, is amended to read as follows:

Art. 45.12. CONTEMPT AND BAIL. (a) The *judge* [~~recorder~~] shall have power to admit to bail, [~~and to~~] forfeit bonds, *and enter final judgments in bond forfeiture proceedings* under such rules as govern such taking and forfeiture in the county court.

(b) *On final judgment in a bond forfeiture proceeding, costs of court incurred by reason of the defendant's failure to appear may be assessed against the principal and sureties, if any. Such costs shall not exceed the face amount of the bond.*

SECTION 6. Section 5(b), Chapter 550, Acts of the 63rd Legislature, Regular Session, 1973 (Article 2372p-3, Vernon's Texas Civil Statutes), is amended to read as follows:

(b) The County Bail Bond Board shall be composed of the following persons:

- (1) the county sheriff or his designee;
- (2) a district judge of the county having jurisdiction over criminal matters designated by the presiding judge of the administrative judicial district;
- (3) the county judge or a member of the commissioners court designated by the county judge;
- (4) a judge of a county court or a county court at law in the county having jurisdiction over criminal matters designated by the commissioners court;
- (5) the district attorney or his designee;
- (6) a licensed bondsman, licensed in the county, elected by other county licensees;
- (7) a justice of the peace;
- (8) the district clerk or his designee; [~~and~~]
- (9) the county clerk or his designee, except in those counties where the county clerk has no criminal matters jurisdiction; *and*
- (10) *the board may appoint a presiding judge of a municipal court located within the county.*

SECTION 7. This Act takes effect September 1, 1987.

SECTION 8. 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.

Passed by the House on April 30, 1987, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 2220 on May 18, 1987, by a non-record vote. Passed by the Senate, with amendments, on May 14, 1987, by a viva-voce vote.

Approved June 18, 1987.

Effective Sept. 1, 1987.