Print Reset **CAUSE NO.** _____

STATE OF TEXAS	§	**IN THE**
	§	
V.	§	_____ **COURT**
	§	
_____	§	**NUECES COUNTY, TEXAS**

MOTION TO RELEASE FUNDS DEPOSITED FOR CASH BAIL BOND

COMES NOW _____, and makes the following statement and request:

1. On _____, 20_____, (date of offense) _____ (name of defendant) was charged with the crime of _____ and bond was set at _____.
2. I am:
   _☐_ the Defendant in the above and entitled cause. No other person can present a receipt for the posting of said cash bail bond, **OR**
   _☐_ the person who deposited the cash bail bond for the above-named Defendant as shown on the receipt records of the Nueces County Sheriff and/or District/County Clerk.
3. I am entitled to:
   a. Request the application of those cash funds to be paid towards the outstanding court costs, fines and fees in the amount of _____, for the above-mentioned case.
   b. Receive the funds so deposited because on _____, 20_____:
      _☐_ A Final Judgment was entered in the above entitled and numbered cause, **OR**
      _☐_ The District Attorney declared no prosecution of the above listed charge would be pursued.
4. No Motion for New Trial or Notice of Appeal has been filed and all matters have been concluded in this matter.

Therefore, I request this Court to order the District Clerk of Nueces County to release the funds previously deposited as a Cash Bail Bond in this case to _____, less any statutory registry fee (Local Government Code Section 117.055) if applicable.

Respectfully submitted,

_____	_____
NAME	**PHONE**
_____	_____
ADDRESS	**DATE**

ORDER

On this day, the Court considered the above Motion to Release Funds Deposited for Cash Bail Bond and hereby finds said motion should be **GRANTED**. The County/District Clerk is hereby ordered to release said funds to _____, less any statutory registry fee.

_____
JUDGE PRESIDING

Instructions

SB 6 of the 87th 2nd Special Session, (CCP Article 17.53) requires The Office of Court Administration of the Texas Judicial System to develop statewide procedures and prescribe forms to be used by a court to facilitate:

(1) 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
(2) the application of those cash funds to the defendant's outstanding court costs, finds, and fees.

The Motion and Order is hereby created for court access of a person/defendant who funds for a cash bond to file with a clerk requesting the release of funds that were deposited in the court registry account.

The clerk of the court shall make this form available for no charge to the requester after final disposition of a criminal case.

Fees Charged under Local Government Code 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:
    - Defendant was found guilty at trial or after appeal, or
    - 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:
    - Defendant was found NOT guilty at trial or after appeal, or
    - 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.