

District Attorney Bond Forfeiture Commissions Fact Sheet

Departments Collecting Fee & Statutory Authority

Department Collecting Fee	Revenue Account No.	Amount of Fee	Type of Case	Statutory Authority
Co. Clerk	1100-341-10-180-011-0-000	10% of the first \$1,000.00 and 5% of the amount collected over \$1,000.00	Bond Forfeitures	GC Sec. 41.005(b.)
District Clerk	1100-341-10-090-008-0-000	10% of the first \$1,000.00 and 5% of the amount collected over \$1,000.00	Bond Forfeitures	GC Sec. 41.005(b.)

Legal Summary Analysis

GC Sec. 41.005 "Collection of Money"-

(a.) Not later than the 30th day after the date on which a district or county attorney receives any money collected for the state or a county, the district or county attorney shall, after deducting the commissions provided by this section, pay the money into the treasury of the state or of the county to which it belongs.

(b.) The district or county attorney may retain a commission from money collected for the state or a county. The amount of the commission in any one case is 10% of the first \$1,000.00 collected, and 5% of the amount collected over \$1,000.00.

(c.) Subsections (a) and (b) of this section also apply to money realized for the state under the laws governing escheat.

(d.) Not later than the last date of August of each year, each district and county attorney shall file in the office of the comptroller or of a county treasurer, as the case may be, a sworn account of all money received by him by virtue of his office during the preceding year and payable into the state or county treasury.

Opinion No. H-950 "Payment of Remittance of a Judgement of a Bail Bond Forfeiture"

In opinion No. H-950 dated 03-08-1977,

the AG opined that a county auditor may legally approve a claim based upon a judgement for remittance of some or all of an amount recovered in a bail bond forfeiture. The claim should be paid from General Fund. ***In addition, the AG opined that the Commissioners Court is authorized to transfer funds from the R & B fund to the General Fund, as authorized by the Texas Constitution Article 8, Sec. 9.***

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Five Year Collection History (2008-2012)

Revenue Account No.	Account Description	Actual YTD Revenues				
		2008	2009	2010	2011	2012
X-1100-341-10-180-011-0-000	County Clerk-DA Bond Forf Comm.	12,865.97	17,434.52	11,800.82	1,836.15	-
X-1100-341-10-090-008-0-000	District Clerk-DA Bond Forf Comm.	6,082.75	14,094.04	2,153.82	577.00	-
GRAND TOTAL		18,948.72	31,528.56	13,954.64	2,413.15	-

Five Year Reserved Fund Balance History (2008-2012)

Reserved F/B Account	Account Description	Available Reserved Funds				
		2008	2009	2010	2011	*2012
X-1100-250-10-000-003-0-000	Reserved F/B-DA Bond Forfeiture Comm.	168,518.74	200,047.30	214,001.94	216,415.09	216,415.09
GRAND TOTAL		168,518.74	200,047.30	214,001.94	216,415.09	216,415.09

*Auditor's office transferred the total available reserved balance of \$216,415.09 through JE #24853 dated 10-26-12 to R & B fund balance without CC approval. CC approval is required as per AG Opinion No. H-950 and Texas Const. Article 8, Sec. 9.