

- SUBJECT:** Reducing the population requirement for bail bond board counties
- COMMITTEE:** Licensing and Administrative Procedures — committee substitute recommended
- VOTE:** 8 ayes — Flores, Geren, Chisum, Goolsby, Hamilton, D. Jones, Morrison, Quintanilla
0 nays
1 absent — Homer
- WITNESSES:** None
- BACKGROUND:** A bail bond is a cash deposit, a similar deposit or written undertaking, or a bond or other security given to guarantee the appearance of a defendant in a criminal case. A bail bond surety is a person who executes a bail bond as a surety or co-surety for another person or who, for compensation, deposits cash to ensure the appearance in court of a person accused of a crime.
- Counties with populations of 110,000 or more are required by state law to create bail bond boards, the duties of which include supervising and regulating the bail bond business in the county. In these counties, most bail bond sureties must meet the licensing requirements outlined in Occupations Code, ch. 1704, which include having at least one year of continuous work experience in the bail bond business.
- An attorney licensed to practice law in Texas may act as a bail bond surety without a license if the attorney represents the bonded individual in the criminal proceeding. If the attorney acts in a manner that may subject a licensed bail bond surety to a license suspension or revocation, the attorney may not execute the bail bond or act as a surety until the violation is remedied. The attorney would still be required to fulfill his or her duties as a surety even if the attorney no longer represents the defendant.
- DIGEST:** CSHB 1990 would require all counties with populations of 50,000 or more to create a bail bond board. CSHB 1990 also would require a licensee to submit documentary evidence of employment with a licensed bail bond

agent for at least 30 hours a week for one year in the two years prior to filing an application. During this time, the licensee would have to have performed all aspects of the bonding business.

Attorneys who acted as sureties for their clients would be required to file notices of appearance as counsel with the court or submit proof that they already had filed the notice. The bail bond board could revoke or suspend an attorney's authority to post a bond if the attorney engaged in misconduct. Finally, the bill would specify that an attorney who served as a surety would not be relieved of the obligation as a surety if the attorney was replaced by other counsel.

The bill would take effect September 1, 2005.

**SUPPORTERS
SAY:**

HB 1990 would create bail bond boards in 11 counties. Twenty-one counties in Texas have populations of 50,000 to 110,000. Of these counties, ten have already created bail bond boards because the boards better protect the counties by more efficiently and effectively regulating bail bond sureties. In counties without bail bond boards, the sheriff is responsible for overseeing the bail bond industry. This bill would take this added responsibility off the sheriff of these counties so they could focus on law enforcement.

CSHB 1990 would clarify the existing law by spelling out the minimum apprenticeship requirements an individual would have to meet to obtain a license. It would also subject an attorney who served as a surety for a client to more severe sanctions for violation of rules regulating licensed bondsmen.

The fiscal note indicates that this bill would pose insignificant costs to counties.

**OPPONENTS
SAY:**

This bill would force counties to incur the costs of creating a bail bond boards. Counties, not the state, should determine whether a bail bond board is appropriate for them.

NOTES:

The substitute deleted a provision regarding the circumstances in which a security deposit may be returned to a license holder.

The companion bill, SB 624 by Hinojosa, passed the Senate on the Local and Uncontested Calendar on May 3 and has been referred to the House n Licensing and Administrative Procedures Committee.