

SUBJECT: Specifying election process for certain county bail bond board members

COMMITTEE: County Affairs — favorable, without amendment

VOTE: 8 ayes — Coleman, Burrows, Romero, Schubert, Spitzer, Stickland, Tinderholt, Wu

1 nay — Farias

WITNESSES: For — (*Registered, but did not testify:* Wynn Dillard; John McCluskey; Scott Walstad)

Against — (*Registered, but did not testify:* William Travis, Micah Harmon, AJ Louderback, and Dennis D. Wilson, Sheriffs' Association of Texas; Clarence Clark; R. Glenn Smith)

BACKGROUND: Occupations Code, sec. 1704.053 establishes the composition of county bail bond boards. Boards include several public officials and certain other individuals. Board members who are not public officials include a bail bond surety and a criminal defense attorney who practices in the county and has been elected by other eligible attorneys in the county.

Sec. 1704.0535 requires a county bail bond board to conduct an annual secret ballot election to elect the member of the board who serves as the representative of licensed bail bond sureties. Each individual licensed in the county as a bail bond surety or agent is entitled to cast one vote for each license held.

Some observers suggest that electing the member representing criminal defense attorneys through a secret ballot procedure would bring more uniformity to the selection process for the bail bond board members.

DIGEST: HB 2894 would require a bail bond board to hold an annual secret ballot election to fill the criminal defense attorney position on the board. Any practicing attorney in the county who was not legally prohibited from representing criminal defendants in the county would be entitled to cast

one vote to elect the board member to fill the criminal defense attorney position.

This bill would take effect September 1, 2015, and would apply only to members elected on or after that date.