

BILL ANALYSIS

Senate Research Center
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S.B. 1119
By: Armbrister
Criminal Justice
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DIGEST AND PURPOSE

Currently, various provisions regarding the bail bondsmen business have become archaic. As proposed, S.B. 1119 revises various provisions in Section 1704, Occupations Code regarding the conduct of bail bondsmen. As well, S.B. 1119, prohibits automatic bond-dispensing machines in jails or courthouses.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1704.001(2), Occupations Code, to redefine "bail bond surety."

SECTION 2. Amends Section 1704.152, Occupations Code, by amending Subsection (a) and adding Subsection (c), to require an individual, to be eligible for a license under this chapter, to possess the financial resources required to comply with Section 1704.160, unless the individual is acting only as agent for a corporation holding a license under this chapter, and have, in the two years preceding the date a license application is filed meet certain criteria. Provides that Subsection (a)(4) does not apply to the issuance of an original license in a county before the first anniversary of the date a board is created in the country, or to an individual who applies to operate the bail bond business of a license holder who has died if the individual is related to the decedent within the first degree by consanguinity or is the decedent's surviving spouse.

SECTION 3. Amends Section 1704.154, Occupations Code, by amending Subsections (b) and (c) and adding Subsection (d), to require an application to state certain information and if the applicant is an individual be accompanied by certain information. Requires letter of recommendation submitted under Subsection (b)(4)(C) to provide a certain statement and recommendation. Requires a corporation to file a separate corporate application for each agent the corporation designates in the county. Makes conforming changes.

SECTION 4. Amends Section 1704.155, Occupations Code, as follows:

Sec. 1704.155. REAL PROPERTY LIST. Provides that a list of nonexempt real property required under Section 1704.154(b)(3), rather than Section 1704.154(b)(3)(A), is required, for each parcel listed, include certain information.

SECTION 5. Amends Sections 1704.160(a)-(c), Occupations Code, to require the applicant, on receipt of notice under Section 1704.159 that an application has been conditionally approved, if the applicant is an individual subject to Subsection (b), deposit with the county treasurer a cashier's check, certificate of deposit, or cash in the amount stated on the application under Section 1704.154(b)(2)(E), rather than 1704.154(b)(3)(B), or if the applicant is a corporation, subject to Subsection (b), deposit with the county treasurer a cashier's check, certificate of deposit, or cash in the amount stated on the application under Section 1704.154(b)(2)(E). Deletes text regarding a deposit may not be less

than \$10,000. Makes conforming changes.

SECTION 6. Amends Section 1704.162(c), Occupations Code, to require an applicant, except as provided by this subsection, to comply with the requirements for an original license application under Section 1704.154, including the \$500 filing fee requirement. Provides that an applicant for renewal is not required to furnish letters of recommendation.

SECTION 7. Amends Section 1704.163, Occupations Code, as follows:

Sec. 1704.163. ATTORNEY EXEMPTION. Authorizes a person not licensed under this chapter, except as provided by this section, rather than Subsection (c), to execute a bail bond or act as a surety for another person if the person meets certain criteria. Prohibits a person from executing a bail bond under this section if the total amount of all outstanding bail bonds executed by the person under this section exceeds \$250,000. Prohibits the person, if the board, rather than sheriff determines that a person has violated this subsection, from executing a bail bond or act as a surety under this section until the person has remedied the violation.

SECTION 8. Amends Section 1704.207(b), Occupations Code, to delete text regarding an agent of the board.

SECTION 9. Amends Section 1704.211, Occupations Code, by amending Subsection (b) and adding Subsection (d), to require an agent designated by a power of attorney under Subsection (a) for a corporation holding a license under this chapter to be designated by the corporation in the corporation's application for a license. Deletes text regarding "holder." Authorizes the corporation to limit the authority of an agent designated by specifying the limitation on the power of attorney filed with the county clerk.

SECTION 10. Amends Section 1704.303(c), Occupations Code, to provide that an offense under this section is a Class B, rather than C, misdemeanor.

SECTION 11. Amends Section 1704.304, Occupations Code, by adding Subsection (d) and redesignating current Subsection (d) as Subsection (e), to prohibit a person from placing a device in a place of detention, confinement, or imprisonment that dispenses a bail bond in exchange for a fee.

SECTION 12. Repealer: Section 1704.212 (Effect of Default by Corporation; Notice Required), Occupations Code.

SECTION 13. Make application of Section 1704.152, Occupations Code, as amended prospective to September 1, 2002.

SECTION 14. (a) Except as provided by Subsection (b) of this section, the changes in law made by this Act apply only to an application for a bail bond license or to renew a bail bond license that is made on or after the effective date of this Act.

(b) Makes application of Section 1704.303, Occupations Code, as amended prospective.

SECTION 15. Effective date: September 1, 2001.