

## **BILL ANALYSIS**

Senate Research Center  
79R17560 RMB-D

C.S.H.B. 2767  
By: Talton (Hinojosa)  
Criminal Justice  
5/20/2005  
Committee Report (Substituted)

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Counties regulate bail bond agents in two ways. Counties with a population of 110,000 or more, or counties with a smaller population that choose to create a bail bond board, regulate bail bond agents by a statutory bail bond board comprised of county officials and private persons designated under law. In non-bail bond counties, the sheriff regulates bail sureties. In a bail bond board county, a license holder must complete eight hours of continuing education within the previous two years. Non-bail bond counties have no such requirement. C.S.H.B. 2767 requires bail bond agents who work in non-bail bond board counties to complete the same continuing education requirements as sureties in bail bond board counties, and provides for the oversight of bail bond sureties in non-bail bond board counties.

### **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 Article 17.10, Code of Criminal Procedure, as follows:

Art. 17.10. DISQUALIFIED SURETIES. (a) Creates this subsection from existing text. Makes a nonsubstantive change.

(b) Prohibits a person, for compensation, from being a surety on a bail bond written in a county in which a county bail bond board regulated under Chapter 1704 (Regulation of Bail Bond Sureties), Occupations Code, does not exist unless the person, within two years before the bail bond is given, completed in person at least eight hours of continuing legal education in criminal law courses or bail bond law courses that are approved by the State Bar of Texas and offered by an accredited institution of higher education in this state.

SECTION 2. Amends Chapter 17, Code of Criminal Procedure, by adding Article 17.141, as follows:

Art. 17.141. ELIGIBLE BAIL BOND SURETIES IN CERTAIN COUNTIES. Authorizes the sheriff, in a county in which a county bail board regulated under Chapter 1704 (Regulation of Bail Bond Sureties), Occupations Code, does not exist, to post a list of eligible bail bond sureties whose security has been determined to be sufficient. Requires each surety listed under this article to file annually a sworn financial statement with the sheriff.

SECTION 3. Amends Article 22.03, Code of Criminal Procedure, as follows:

Art. 22.03. CITATION TO SURETIES. (a) Creates this subsection from existing text.

(b) Requires a citation to a surety who is an individual to be served to the individual at the address shown on the face of the bond.

(c) Requires a citation to a surety that is a corporation or other entity to be served to the attorney designated for service of process by the corporation or entity under Chapter 804 (Service of Process), Insurance Code.

(d) Authorizes a surety, by filing the waiver or designation in writing with the clerk of the court, to waive service of citation or to designate a person other than the surety or the surety's attorney to receive service of citation under this article. Provides that the waiver or designation is effective until a written revocation is filed with the clerk.

SECTION 4. Amends Article 22.04, Code of Criminal Procedure, to require a copy of the forfeited bond, and a copy of any power of attorney attached to the forfeited bond, to be attached to the citation and requires the citation to notify the parties cited to appear and show cause why the judgment of forfeiture should not be made final.

SECTION 5. Amends Article 22.05, Code of Criminal Procedure, to make a conforming change.

SECTION 6. Amends Article 32.01, Code of Criminal Procedure, to make a nonsubstantive change.

SECTION 7. Makes application of this Act prospective.

SECTION 8. Effective date: September 1, 2005.