

BILL ANALYSIS

Senate Research Center
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S.B. 624
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Business & Commerce
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AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Under Section 1704, Occupations Code, counties regulate the licensing and conduct of bail bond agents. In certain counties, bail bondsmen are regulated by a bail bond board, while in other counties, agents are regulated by the local sheriff.

As proposed, S.B. 624 expands the number of counties with bail bond boards and clarifies board responsibilities and powers for handling licensure, exemptions, enforcement, disciplinary actions, and financial requirements.

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(4), Occupations Code, to define "bail bond business."

SECTION 2. Amends Section 1704.002, Occupations Code, to specify that this chapter applies only to a county with a population of 50,000, rather than 110,000, or more or less than 50,000, rather than 100,000, in which a county bail bond board (board) is created.

SECTION 3. Amends Section 1704.051, Occupations Code, to make a conforming change.

SECTION 4. Amends Section 1704.052, Occupations Code, to make a conforming change.

SECTION 5. Amends Section 1704.152(a), Occupations Code, to require an individual, including an agent designated by a corporation in an application, to be eligible for a license under this chapter, to submit documentary evidence that, in the two years preceding the date a license application is filed, the individual has been continuously employed by a person licensed under this chapter for at least one year and for not less than 30 hours per week, excluding annual leave, and has performed duties that encompass all phases of the bonding business. Deletes existing text relating to continuous work experience in the bail bond business.

SECTION 6. Amends Section 1704.163, Occupations Code, as follows:

(a) Authorizes a person not licensed under this chapter to execute a bail bond or act as a surety for another person in any county in this state if the person, at the time the bond is executed or the person acts as a surety, files a notice of appearance as counsel of record in the criminal case for which the bond was executed or surety provided or submits proof that the person has previously filed with the court in which the criminal case is pending the notice of appearance as counsel of record. Deletes existing text relating to representation in a criminal case.

(b) Authorizes the county bail bond board to suspend or revoke the authorization of a person who violates this subsection to post a bond under this section or to bar a person from executing a bail bond or acting as a surety under this section until the person has remedied the violation. Makes nonsubstantive changes.

(c) Provides that a person executing a bail bond or acting as a surety under this section is not relieved of a liability on the bond solely because the person is later replaced as attorney of record in the criminal case. Deletes existing text relating to a person who receives fees for services.

SECTION 7. Amends Section 1704.210(a), Occupations Code, to authorize a license holder to withdraw the security deposited or executed under Section 1704.160 (Security Requirements), and requires the security to be returned to the license holder or the license holder's heirs or assigns, if, for a license holder who has not ceased to engage in the bonding business, after release of the requested security, the license holder will have sufficient security to meet the minimum deposit requirement under Section 1704.160 and will be in compliance with the limitations established by Section 1704.203 (Bail Bond Limit; Additional Security).

SECTION 8. Provides that, notwithstanding Section 1704.051, Occupations Code, as amended by this Act, a county with a population of 50,000 or more that has not established a county bail bond board under Chapter 1704, Occupations Code, as amended by this Act, is not required to establish a county bail bond board before January 1, 2006.

SECTION 9. Effective date: September 1, 2005.