

BILL ANALYSIS

Senate Research Center
79R13717 YDB-F

C.S.S.B. 624
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Business & Commerce
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Committee Report (Substituted)

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.

C.S.S.B. 624 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 1704.152(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 3. 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 4. Effective date: September 1, 2005.