

BILL ANALYSIS

Senate Research Center
83R6392 BEF-F

S.B. 1217
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Intergovernmental Relations
4/18/2013
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

When an individual is arrested for a crime in Texas, typically that person will be taken to a local law enforcement station for booking, prior to incarceration in a station lock-up or county jail. Once arrested and booked, the defendant has three release options for release pending the conclusion of his or her case. The three basic release options available are: bail bond (surety bond), cash bail, or release on own recognizance. Bail is designed to guarantee the appearance of a defendant in court at the time directed by the judge. Chapter 1704 (Regulation of Bail Bond Sureties), Occupations Code, requires mandatory creation of a Bail Bond Board (board) in counties with a population of 110,000 or more and discretionary creation of a board in a county with a population of less than 110,000. The purpose of the board is to implement and carry out the laws on bail bond regulation as passed by the Texas Legislature and courts.

In some cases, there is difficulty in accounting for bail bond fees, since they are commingled in the general fund. Since the bail bond fees become indistinguishable at year-end from other revenues included in the general fund, it becomes very cumbersome to validate how much bail bond fee money has been collected and how much money was actually expended for bail bond board business. Hence, accounting accurately for the expenses that should go against bail bond revenues is needlessly difficult.

This bill proposes to amend the Occupations Code that will allow the county to set up a separate county fund at the beginning of the next fiscal year following adoption of the change, and to then separately account for revenues and expenses and record a carry-forward balance at the conclusion of each fiscal year in this fund.

As proposed, S.B. 1217 amends current law relating to the authority of a county to deposit fees collected by a county bail bond board in a separate county fund.

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 1704.101, Occupations Code, to require a county bail bond board to, among other requirements, deposit fees collected under this chapter (Regulation of Bail Bond Sureties) in the general fund of the county or in a separate county fund established for this purpose.

SECTION 2. Amends Section 1704.103(a), Occupations Code, to authorize fees deposited in the general fund of a county or in a separate county fund under Section 1704.101(2) to be used only to administer and enforce this chapter, including reimbursement for certain expenses.

SECTION 3. Authorizes a county that establishes a separate county fund for the purpose of depositing fees collected under Chapter 1704, Occupations Code, as provided by Section 1704.101 (Administrative Authority), Occupations Code, as amended by this Act, to transfer fees previously collected under Chapter 1704, Occupations Code, and deposited in the county's general fund to the separate fund.

SECTION 4. Effective date: upon passage or September 1, 2013.