

BILL ANALYSIS

Senate Research Center
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S.B. 1958
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Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Article 1704.052, Occupations Code, sets out the members of the County Bail Bond Board (board). Two of the members are not public officials: (1) a bondsman who is licensed by the board; and (2) a criminal defense attorney practicing in the county. The bondsman is to be elected by the other licensed bondsmen in the county. The criminal defense attorney is elected by other attorneys whose principal places of business are located in the county and who are not legally prohibited from representing criminal defendants.

Initially, the statute did not set out how either non-county official was elected. However, in 2003, the Occupations Code was amended to mandate that the election for the bondsman representative was to be conducted by the board. Additionally, in 2003 the Occupations Code was amended to add the Criminal Defense Bar representative. However, the statute was silent as to how the criminal defense attorney was to be elected.

The purpose of S.B. 1958 is to amend section 1704.0535, Occupations Code, to require the board to conduct the election of the criminal defense attorney representative in the same manner that the board conducts the election of the bondsman representative. This will make the process transparent and open and available to all criminal defense attorneys who wish to run for the board. Additionally, the proposed bill will give uniformity across the state regarding how a defense attorney is elected to become a member of the board.

As proposed, S.B. 1958 amends current law relating to the election of certain county bail bond board members.

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 1704.0535, Occupations Code, as follows:

Sec. 1704.0535. New heading: ELECTION OF CERTAIN BAIL BOND BOARD MEMBERS. (a) Requires the county bail bond board (board) to annually conduct a secret ballot election to elect the members of the board who serve, rather than the member of the board who serves, as the representative of licensed bail bond sureties and the representative of the criminal defense attorneys by electing:

(1) a licensed bail bond surety or agent for a corporate surety board member; and

(2) a criminal defense attorney who is practicing in the county.

(b) Entitles each individual licensed in the county as a bail bond surety or agent for a corporate surety to cast one vote for each license held to elect the board member who is a surety or agent for a corporate surety.

(c) Entitles each attorney who has a principal place of business located in the county and who is not legally prohibited from representing criminal defendants in the county to cast one vote to elect the board member who is a criminal defense attorney.

SECTION 2. Provides that the changes in law made by this Act regarding the election of certain county bail bond board members do not affect the entitlement of a member serving on a board immediately before the effective date of this Act to continue to serve and function as a member of the board for the remainder of the member's term. Provides that those changes in law apply only to a member elected on or after the effective date of this Act.

SECTION 3. Effective date: September 1, 2015.