

BILL ANALYSIS

C.S.H.B. 2729
By: Talton
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Section 1704 of the Occupations Code governs the powers, duties and responsibilities of bail bond boards and the regulation, professional requirements and conduct of bail bond sureties. The 76th Legislature codified the Bail Bond Act into the Occupations Code, and the 77th Legislature adopted numerous amendments to the code. The purpose of C.S.H.B. 2729 is to clarify many areas of the code to address problems or ambiguities in current law.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2729 modifies the definition of "bonding business" and defines "final judgment" for purposes of bond forfeitures, clarifies who may serve on the bail bond surety board, creates a uniform system for electing surety representation to the board including clarifying who may vote on board matters, specifies the duties and obligations required of boards and licensees, imposes advertising and solicitation restrictions, and provides for the maintenance and inspection of bail bond records. The bill clarifies who is eligible for a license, refines the application and renewal process, including specifying the grounds under which an application can be rejected, suspended or reinstated and provides instructions for action of the bail bond board if a bail bond surety fails to pay a final judgement. The bill clarifies when a final judgement should be paid and how a person executing a bail bond may surrender the principal for whom the bond is executed. Finally, C.S.H.B. 2729 specifies how long and for what reasons a bail bond surety may hold security for the payment of a bail bond fee or the principal's appearance in court.

EFFECTIVE DATE

September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute modifies several sections of the bill, further clarifying existing ambiguities. The substitute modifies the definitions of "bonding business" and "final judgement," clarifies that a bail bond surety or agent for a corporate surety may serve on the bail bond board, and removes the election of an alternate representative of licensed bail bond sureties to serve on the bail bond board included in the filed version of the bill. The bill also adds language regulating the solicitation of business for bail bond sureties, specifies that criminal law courses taken to satisfy license requirements must be taken in person, and changes other procedures in licensing new bail bond agents and sureties. The substitute provides instructions for action of the bail bond board if a bail bond surety fails to pay a final judgement, clarifies when a final judgement should be paid and how a person executing a bail bond may surrender the principal for whom the bond is executed. The substitute also adds a section that specifies procedure of a board if a bail bond surety fails to pay a final judgement. Finally, the substitute removes the ability to file a petition in Travis County and how long and for what reasons a bail bond surety may hold security for the payment of a bail bond fee.

