

By: Goolsby

H.B. No. 2981

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the board composition, establishing a minimum rank for
3 a designee, limiting the municipal court's representation on the
4 board to one position, the election process for the sureties
5 representative and the requirement for board members to read this
6 chapter and the local policies adopted by the board.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

8 SECTION 1. Subchapter B, Section 1704.053, Occupations
9 Code, is amended to read as follows:

10 Sec. 1704.053. BOARD COMPOSITION. A board consists of:

11 (1) the sheriff or a designee from the sheriff's office
12 who must be the sheriff's administrator or a deputy sheriff of the
13 rank of at least sergeant;

14 (2) a district judge of a county having jurisdiction
15 over criminal matters and designated by the presiding judge of the
16 administrative judicial district;

17 (3) the county judge, a member of the commissioners
18 court designated by the county judge, or a designee approved by the
19 commissioners court who holds a management position in the office
20 of county judge;

21 (4) a judge of a county court or county court at law in
22 the county having jurisdiction over criminal matters and designated
23 by the commissioners court;

24 (5) the district attorney or an assistant district

1 attorney designated by the district attorney;

2 (6) a licensed bail bond surety or agent for a
3 corporate surety in the county elected under Section 1704.0535;

4 (7) a justice of the peace;

5 (8) the district clerk or the clerk's designee who
6 holds a management position position in the office of the district
7 clerk;

8 (9) the county clerk or the clerk's designee who holds
9 a management position in the office of the county clerk, if the
10 county clerk has responsibility over criminal matters;

11 ~~[(10) if appointed by the board, a presiding judge of a~~
12 ~~municipal court in the county,~~

13 (10) if the county's principal municipality designates
14 a presiding judge in the municipal court system, the presiding
15 judge or a municipal judge from the system designated by the
16 presiding judge; and

17 (11) ~~[if the county's principal municipality~~
18 ~~designates a presiding judge in the municipal court system, the~~
19 ~~presiding judge or a municipal judge from the system designated by~~
20 ~~the presiding judge]~~; the county treasurer or the treasurer's
21 designee who holds a management position within the office of the
22 county treasurer or, if appointed by the commissioners court in a
23 county that does not have a county treasurer, the person designated
24 by the county commissioners court to perform the duties of the
25 county treasurer.

26 ~~[(12)]~~

27 SECTION 2. Subchapter B, Chapter 1704, Occupations Code, is

1 amended by adding Section 1704.0535 to read as follows:

2 Sec. 1704.0535. ELECTION OF BAIL BOND SURETY BOARD MEMBER;
3 ALTERNATE MEMBER. (a) The board shall annually conduct a secret
4 ballot election to elect the member of the board who serves as the
5 representative of the licensed bail bond sureties by electing:

6 (1) a licensed bail bond surety or agent for a
7 corporate surety board member who has been nominated and seconded
8 by two other bail bond sureties licensed in the county; and

9 (2) an alternate licensed bail bond surety or agent
10 for a corporate surety board member who has been nominated by
11 another bail bond surety licensed in the county.

12 (b) Each individual licensed in the county is entitled to
13 cast one vote for each position in the election.

14 (c) The alternate board member chosen under Subsection
15 (a)(2) shall serve on the board when the primary member is absent
16 from a board meeting.

17 (d) The board member and the alternate board member shall be
18 limited to three consecutive terms with no limit as to the number of
19 terms that can be served.

20 SECTION 3. Subchapter B, Section 1704.102, Occupations
21 Code, is amended to read as follows:

22 Sec. 1704.102. ENFORCEMENT AUTHORITY. (a) A board shall:

23 (1) enforce this chapter in the county;

24 (2) conduct hearings and investigations and make
25 determinations relating to license suspension and revocation;

26 (3) suspend or revoke a license for a violation of this
27 chapter or a local policy rule adopted by the board under this

1 chapter that has been approved by the county attorney prior to being
2 enforced; [and]

3 (4) require a record and transcription of each board
4 proceeding; and

5 (5) require each board member prior to serving on the
6 board, to read

7 (A) Chapter 1704. Regulation of Bail Bond
8 Sureties;

9 (B) rules adopted by the board pursuant to this
10 chapter after having been approved by the county attorney; and

11 (6) require each board member to file a written
12 statement with the board secretary stating that they have completed
13 the requirements of 1704.102(5)

14 (b) A board may:

15 (1) compel the appearance before the board of an
16 applicant or license holder; and

17 (2) during a hearing conducted by the board,
18 administer oaths, examine witnesses, and compel the production of
19 pertinent records and testimony by a license holder or applicant.

20 SECTION 4. This Act takes effect September 1, 2003.