

AN ACT

relating to bail bond sureties, county bail bond boards, and liability on and forfeiture of personal bonds and bail bonds.

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

SECTION 1. Article 22.13, Code of Criminal Procedure, is amended to read as follows:

Art. 22.13. CAUSES WHICH WILL EXONERATE. (a) The following causes, and no other, will exonerate the defendant and his sureties, if any, from liability upon the forfeiture taken:

1. That the bond is, for any cause, not a valid and binding undertaking in law. If it be valid and binding as to the principal, and one or more of his sureties, if any, they shall not be exonerated from liability because of its being invalid and not binding as to another surety or sureties, if any. If it be invalid and not binding as to the principal, each of the sureties, if any, shall be exonerated from liability. If it be valid and binding as to the principal, but not so as to the sureties, if any, the principal shall not be exonerated, but the sureties, if any, shall be.

2. The death of the principal before the forfeiture was taken.

3. The sickness of the principal or some uncontrollable circumstance which prevented his appearance at court, and it must, in every such case, be shown that his failure to

1 appear arose from no fault on his part. The causes mentioned in
2 this subdivision shall not be deemed sufficient to exonerate the
3 principal and his sureties, if any, unless such principal appear
4 before final judgment on the bond to answer the accusation against
5 him, or show sufficient cause for not so appearing.

6 4. Failure to present an indictment or information at
7 the first term of the court which may be held after the principal
8 has been admitted to bail, in case where the party was bound over
9 before indictment or information, and the prosecution has not been
10 continued by order of the court.

11 5. The incarceration of the principal in any
12 jurisdiction in the United States:

13 (A) in the case of a misdemeanor, at the time of
14 or not later than the 180th day after the date of the principal's
15 failure to appear in court; or

16 (B) in the case of a felony, at the time of or not
17 later than the 270th day after the date of the principal's failure
18 to appear in court.

19 (b) A surety exonerated under Subdivision 5, Subsection
20 (a), remains obligated to pay costs of court, any reasonable and
21 necessary costs incurred by a county to secure the return of the
22 principal, and interest accrued on the bond amount from the date of
23 the judgment nisi to the date of the principal's incarceration.

24 SECTION 2. Article 22.16, Code of Criminal Procedure, is
25 amended to read as follows:

26 Art. 22.16. REMITTITUR AFTER FORFEITURE. (a) After
27 forfeiture of a bond and before entry of a final judgment [the

1 ~~expiration of the time limits set by Subsection (c) of this~~
2 ~~article]~~, the court shall, on written motion, remit to the surety
3 the amount of the bond, after deducting the costs of court and~~[7]~~
4 any reasonable and necessary costs to the county for the return of
5 the principal, and the interest accrued on the bond amount as
6 provided by Subsection (c) ~~[(e) of this article]~~ if~~+~~

7 ~~[(1) the principal is incarcerated in the county in~~
8 ~~which the prosecution is pending;+~~

9 ~~[(2) the principal is incarcerated in another~~
10 ~~jurisdiction and the incarceration is verified as provided by~~
11 ~~Subsection (b) of this article;+~~

12 ~~[(3)]~~ the principal is released on new bail in the case
13 or~~+~~

14 ~~[(4) the principal is deceased; or~~

15 ~~[(5)]~~ the case for which bond was given is dismissed.

16 (b) For other good cause shown ~~[the purposes of Subsection~~
17 ~~(a)(2) of this article, a surety may request confirmation of the~~
18 ~~incarceration of his principal by written request to the law~~
19 ~~enforcement agency of the county where prosecution is pending. A~~
20 ~~law enforcement agency in this state that receives a request for~~
21 ~~verification shall notify the court in which prosecution is pending~~
22 ~~and the surety whether or not the principal is or has been~~
23 ~~incarcerated in another jurisdiction and the date of the~~
24 ~~incarceration.~~

25 ~~[(c) A final judgment may be entered against a bond not~~
26 ~~earlier than:~~

27 ~~[(1) nine months after the date the forfeiture was~~

1 ~~entered, if the offense for which the bond was given is a~~
2 ~~misdemeanor; or~~

3 ~~[(2) 18 months after the date the forfeiture was~~
4 ~~entered, if the offense for which the bond was given is a felony.~~

5 ~~[(d) After the expiration of the time limits set by~~
6 ~~Subsection (c) of this article]~~ and before the entry of a final
7 judgment against the bond, the court in its discretion may remit to
8 the surety all or part of the amount of the bond after deducting the
9 costs of court and~~[7]~~ any reasonable and necessary costs to the
10 county for the return of the principal, and the interest accrued on
11 the bond amount as provided by Subsection (c) ~~[(e) of this article]~~.

12 (c) ~~[(e)]~~ For the purposes of this article, interest
13 accrues on the bond amount from the date of forfeiture in the same
14 manner and at the same rate as provided for the accrual of
15 prejudgment interest in civil cases.

16 SECTION 3. Subsection (a), Article 44.04, Code of Criminal
17 Procedure, is amended to read as follows:

18 (a) Pending the determination of any motion for new trial or
19 the appeal from any misdemeanor conviction, the defendant is
20 entitled to be released on reasonable bail~~[, and if a defendant~~
21 ~~charged with a misdemeanor is on bail, is convicted, and appeals~~
22 ~~that conviction, his bond is not discharged until his conviction is~~
23 ~~final or in the case of an appeal to a court where a trial de novo is~~
24 ~~held, he files an appeal bond as required by this code for appeal~~
25 ~~from the conviction]~~.

26 SECTION 4. Subsections (b) through (e), Article 17.19, Code
27 of Criminal Procedure, are amended to read as follows:

1 (b) If the court or magistrate finds that there is cause for
2 the surety to surrender his principal, the court shall issue a
3 warrant of arrest or capias for the principal. It is an affirmative
4 defense to any liability on the bond that:

5 (1) the court or magistrate refused to issue a warrant
6 of arrest or capias for the principal; and

7 (2) after the refusal to issue the warrant or capias
8 the principal failed to appear.

9 (c) If the court or magistrate before whom the prosecution
10 is pending is not available, the surety may deliver the affidavit to
11 any other magistrate in the county and that magistrate, on a finding
12 of cause for the surety to surrender his principal, shall issue a
13 warrant of arrest or capias for the principal.

14 (d) An arrest warrant or capias issued under this article
15 shall be issued to the sheriff of the county in which the case is
16 pending, and a copy of the warrant or capias shall be issued to the
17 surety or his agent.

18 (e) An arrest warrant or capias issued under this article
19 may be executed by a peace officer, a security officer, or a private
20 investigator licensed in this state.

21 SECTION 5. Article 23.05, Code of Criminal Procedure, is
22 amended to read as follows:

23 Art. 23.05. CAPIAS AFTER SURRENDER OR FORFEITURE. (a) If
24 [~~Where~~] a forfeiture of bail is declared or a surety surrenders a
25 defendant under Article 17.19, a capias shall be immediately issued
26 for the arrest of the defendant, and when arrested, in its
27 discretion, the court may require the defendant, in order to be

1 released from custody, to deposit with the custodian of funds of the
2 court in which the prosecution is pending current money of the
3 United States in the amount of the new bond as set by the court, in
4 lieu of a surety bond, unless a [~~the~~] forfeiture is taken and [~~has~~
5 ~~been~~] set aside under the third subdivision of Article 22.13 of this
6 code, in which case the defendant and his sureties shall remain
7 bound under the same bail.

8 (b) A capias issued under this article may be executed by a
9 peace officer or by a private investigator licensed under Chapter
10 1702, Occupations Code.

11 (c) A capias under this article must be issued not later
12 than the 10th business day after the date of the court's issuance of
13 the order of forfeiture or order permitting surrender of the bond.

14 (d) The sheriff of each county shall enter a capias issued
15 under this article into a local warrant system not later than the
16 10th business day after the date of issuance of the capias by the
17 clerk of court.

18 SECTION 6. Section 1704.001, Occupations Code, is amended
19 by amending Subdivision (4) and adding Subdivision (4-a) to read as
20 follows:

21 (4) "Bonding business" means the solicitation,
22 negotiation, or execution of a bail bond by a bail bond surety.

23 (4-a) "Final judgment" means a judgment that disposes
24 of all issues and parties in a case.

25 SECTION 7. Section 1704.053, Occupations Code, is amended
26 to read as follows:

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

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

4 (2) a district judge of the county having jurisdiction
5 over criminal matters and designated by the presiding judge of the
6 administrative judicial district;

7 (3) the county judge, a member of the commissioners
8 court designated by the county judge, or a designee approved by the
9 commissioners court;

10 (4) a judge of a county court or county court at law in
11 the county having jurisdiction over criminal matters and designated
12 by the commissioners court;

13 (5) the district attorney or an assistant district
14 attorney designated by the district attorney;

15 (6) a licensed bail bond surety or agent for a
16 corporate surety in the county elected under Section 1704.0535, or
17 a bail bond surety or agent for a corporate surety licensed in the
18 county who is designated by the elected surety or agent [~~by other~~
19 ~~licensed bail bond sureties in the county~~];

20 (7) a justice of the peace;

21 (8) the district clerk or the clerk's designee;

22 (9) the county clerk or the clerk's designee, if the
23 county clerk has responsibility over criminal matters;

24 (10) if appointed by the board, a presiding judge of a
25 municipal court in the county;

26 (11) if the county's principal municipality designates
27 a presiding judge in the municipal court system, the presiding

1 judge or a municipal judge from the system designated by the
2 presiding judge; ~~and~~

3 (12) the county treasurer or the treasurer's designee
4 or, if appointed by the commissioners court in a county that does
5 not have a county treasurer, the person designated by the county
6 commissioners court to perform the duties of the county treasurer;
7 and

8 (13) a criminal defense attorney practicing in the
9 county and elected by other attorneys whose principal places of
10 business are located in the county and who are not legally
11 prohibited from representing criminal defendants or the designee of
12 the criminal defense attorney.

13 SECTION 8. Subchapter B, Chapter 1704, Occupations Code, is
14 amended by adding Section 1704.0535 to read as follows:

15 Sec. 1704.0535. ELECTION OF BAIL BOND SURETY BOARD MEMBER.

16 (a) The board shall annually conduct a secret ballot election to
17 elect the member of the board who serves as the representative of
18 licensed bail bond sureties by electing a licensed bail bond surety
19 or agent for a corporate surety board member.

20 (b) Each individual licensed in the county as a bail bond
21 surety or agent for a corporate surety is entitled to cast one vote
22 for each license held.

23 SECTION 9. Section 1704.054, Occupations Code, is amended
24 by adding Subsection (c) to read as follows:

25 (c) The presiding officer may vote on any board matter.

26 SECTION 10. Section 1704.105, Occupations Code, is amended
27 to read as follows:

1 Sec. 1704.105. LICENSED BAIL BOND SURETY LIST. (a) A
2 board shall post in each court having criminal jurisdiction in the
3 county, and shall provide to each local official responsible for
4 the detention of prisoners in the county, a current list of each
5 licensed bail bond surety and each licensed agent of a corporate
6 ~~[the bail bond]~~ surety in the county.

7 (b) A list of each licensed bail bond surety and each
8 licensed agent of a corporate surety in a county must ~~[may]~~ be
9 displayed at each location where prisoners are examined, processed,
10 or confined.

11 SECTION 11. Section 1704.108, Occupations Code, is amended
12 to read as follows:

13 Sec. 1704.108. NOTIFICATION OF DEFAULT BY CORPORATION. A
14 board shall promptly notify the Texas Department of Insurance if
15 ~~[of a default by]~~ a corporation fails to pay a judgment of
16 forfeiture as provided by Section 1704.204(a) ~~[on a financial~~
17 ~~obligation undertaken by the corporation in the county]~~.

18 SECTION 12. Section 1704.109, Occupations Code, is amended
19 to read as follows:

20 Sec. 1704.109. SOLICITATION AND ADVERTISEMENT. (a) A
21 board by rule may regulate solicitations or advertisements by or on
22 behalf of bail bond sureties ~~[license holders]~~ to protect:

- 23 (1) the public from:
24 (A) harassment;
25 (B) ~~[7]~~ fraud;
26 (C) ~~[7-07]~~ misrepresentation; or
27 (D) threats to public safety; or

1 (2) the safety of law enforcement officers.

2 (b) A bail bond surety, an agent of a corporate surety, or an
3 employee of the surety or agent may not make, cause to be made, or
4 benefit from unsolicited contact:

5 (1) through any means, including in person, by
6 telephone, by electronic methods, or in writing, to solicit bonding
7 business related to an individual with an outstanding arrest
8 warrant that has not been executed, unless the bail bond surety or
9 agent for a corporate surety has an existing bail bond on the
10 individual; or

11 (2) in person or by telephone to solicit bonding
12 business:

13 (A) that occurs between the hours of 9 p.m. and 9
14 a.m.; or

15 (B) within 24 hours after:

16 (i) the execution of an arrest warrant on
17 the individual; or

18 (ii) an arrest without a warrant on the
19 individual.

20 (c) This section does not apply to a solicitation or
21 unsolicited contact related to a Class C misdemeanor.

22 SECTION 13. Section 1704.151, Occupations Code, is amended
23 to read as follows:

24 Sec. 1704.151. LICENSE REQUIRED. Except as provided by
25 Section 1704.163, a person may not act as a bail bond surety or as an
26 agent for a corporate surety in the county unless the person holds a
27 license issued under this chapter.

1 SECTION 14. Subsection (a), Section 1704.152, Occupations
2 Code, is amended to read as follows:

3 (a) To be eligible for a license under this chapter, an
4 individual, including an agent designated by a corporation in an
5 application, must:

6 (1) be a resident of this state and a citizen of the
7 United States;

8 (2) be at least 18 years of age;

9 (3) possess the financial resources required to comply
10 with Section 1704.160, unless the individual is acting only as
11 agent for a corporation holding a license under this chapter; and

12 (4) have, in the two years preceding the date a license
13 application is filed:

14 (A) at least one year of continuous work
15 experience in the bail bond business; and

16 (B) completed in person at least eight hours of
17 continuing legal education in criminal law courses or bail bond law
18 courses that are approved by the State Bar of Texas and that are
19 offered by an accredited institution of higher education in
20 [~~accredited by~~] the state.

21 SECTION 15. Subsections (b) and (d), Section 1704.154,
22 Occupations Code, are amended to read as follows:

23 (b) The application must:

24 (1) be in a form and contain the information
25 prescribed by the board;

26 (2) state:

27 (A) the applicant's name, age, and address;

1 (B) if the applicant is a corporation, whether
2 the applicant is:

3 (i) chartered or admitted to do business in
4 this state; and

5 (ii) qualified to write fidelity, guaranty,
6 and surety bonds under the Insurance Code;

7 (C) the name under which the bail bond business
8 will be conducted, including a bail bond business that is conducted
9 by an agent of a corporation;

10 (D) each place, including the street address and
11 municipality, at which the business will be conducted; and

12 (E) the amount of cash or the cash value of a
13 certificate of deposit or cashier's check that the applicant
14 intends to deposit with the county treasurer if the applicant's
15 application is approved or, if the applicant is an individual
16 intending to execute nonexempt real property in trust to the board,
17 the value of the real property;

18 (3) if the applicant is an individual, be accompanied
19 by a list, as required by Section 1704.155, of nonexempt real
20 property owned by the applicant that the applicant intends to
21 execute in trust to the board if the applicant's application is
22 approved; and

23 (4) be accompanied by:

24 (A) the applicant's complete, sworn financial
25 statement;

26 (B) the applicant's declaration that the
27 applicant will comply with this chapter and the rules adopted by the

1 board;

2 (C) three letters of recommendation, each from a
3 person who:

4 (i) is reputable; and

5 (ii) has known the applicant or, if the
6 applicant is a corporation, the agent designated by the corporation
7 in the application for at least three years;

8 (D) a \$500 filing fee;

9 (E) a photograph of the applicant or, if the
10 applicant is a corporation, of the agent designated by the
11 corporation in the application;

12 (F) a set of fingerprints of the applicant or, if
13 the applicant is a corporation, of the agent designated by the
14 corporation in the application taken by a law enforcement officer
15 designated by the board;

16 (G) if the applicant is or has been licensed
17 under this chapter in another county:

18 (i) a list of each county in which the
19 applicant holds a license; and

20 (ii) a statement by the applicant [~~that~~],
21 as of the date of the application, of any [the applicant has no
22 unpaid] final judgments that have been unpaid for more than 30 days
23 and that arose directly or indirectly from a bail bond executed by
24 the applicant as a surety or as an agent for a surety [of forfeiture
25 against the applicant in any county in which the applicant holds or
26 has held a license]; and

27 (H) if the applicant is a corporation, a

1 statement by the designated agent, as of the date of the
2 application, of any [unpaid] final judgments that have been unpaid
3 for more than 30 days and that arose directly or indirectly from [of
4 ~~forfeiture on]~~ any bond executed by the agent as a surety or as an
5 agent for a surety.

6 (d) Until payment of the final judgment, [The existence of]
7 an unpaid final judgment disclosed under Subsection (b)(4)(G)(ii)
8 or (b)(4)(H) bars [may not bar] licensure for the applicant unless
9 the applicant has deposited with the court cash or a supersedeas
10 bond in the amount of the final judgment pending:

11 (1) a ruling on a timely filed motion for a new trial;
12 or

13 (2) an appeal [but may be considered by the board in
14 ~~determining whether to grant a license to the corporation with that~~
15 ~~agent].~~

16 SECTION 16. Section 1704.155, Occupations Code, is amended
17 to read as follows:

18 Sec. 1704.155. REAL PROPERTY LIST. A list of nonexempt real
19 property required under Section 1704.154(b)(3) must, for each
20 parcel listed, include:

21 (1) a legal description of the property that would be
22 sufficient to convey the property by general warranty deed;

23 (2) a current statement from each taxing unit
24 authorized to impose taxes on the property showing[+]

25 [~~A~~] that there is no outstanding tax lien
26 against the property; [~~and~~]

27 (3) at the option of the applicant, either [~~B~~] the

1 property's:

2 (A) net value [~~of the property~~] according to a
3 current appraisal made by a real estate appraiser who is a member in
4 good standing of a nationally recognized professional appraiser
5 society or trade organization that has an established code of
6 ethics, educational program, and professional certification
7 program; or

8 (B) value according to a statement from the
9 county from the county's most recent certified tax appraisal roll;

10 (4) [~~(3)~~] a statement by the applicant that, while the
11 property remains in trust, the applicant:

12 (A) agrees to pay the taxes on the property;

13 (B) will not further encumber the property unless
14 the applicant notifies the board of the applicant's intent to
15 encumber the property and the board permits the encumbrance; and

16 (C) agrees to maintain insurance on any
17 improvements on the property against damage or destruction in the
18 full amount of the value claimed for the improvements;

19 (5) [~~(4)~~] a statement of whether the applicant is
20 married; and

21 (6) [~~(5)~~] if the applicant is married, a sworn
22 statement from the applicant's spouse agreeing to transfer to the
23 board, as a part of the trust, any right, title, or interest that
24 the spouse may have in the property.

25 SECTION 17. Subsection (a), Section 1704.159, Occupations
26 Code, is amended to read as follows:

27 (a) After the hearing under Section 1704.158, the board

1 shall enter an order conditionally approving the application unless
2 [~~if~~] the board determines that a ground exists [~~does not exist~~] to
3 deny the application. If the board determines that a ground exists
4 to deny the application, the board shall enter an order denying the
5 application.

6 SECTION 18. Subsections (b) and (c), Section 1704.160,
7 Occupations Code, are amended to read as follows:

8 (b) A deposit made under Subsection (a)(1)(A) or (a)(2) may
9 not be less than \$50,000. A corporation must make a separate
10 deposit for each license granted to it in a county. A deposit made
11 to a county with a population of less than 250,000 shall be placed
12 in a fund known as a bail security fund.

13 (c) At the option of the applicant, the [~~The~~] property
14 executed in trust under Subsection (a)(1)(B) must be valued in the
15 amount indicated by:

16 (1) [~~on~~] an appraisal by a real estate appraiser who is
17 a member in good standing of a nationally recognized professional
18 appraiser society or trade organization that has an established
19 code of ethics, educational program, and professional
20 certification program; or

21 (2) the county's most recent certified tax appraisal
22 roll.

23 SECTION 19. Section 1704.162, Occupations Code, is amended
24 by amending Subsection (d) and adding Subsection (g) to read as
25 follows:

26 (d) A board shall [~~may~~] approve an application for renewal
27 if:

1 (1) the applicant's current license is not suspended
2 or revoked;

3 (2) the application complies with the requirements of
4 this chapter; and

5 (3) the board does not determine that a ground exists
6 to deny the application.

7 (g) The board may disapprove an application only by entering
8 an order.

9 SECTION 20. Subsection (d), Section 1704.202, Occupations
10 Code, is amended to read as follows:

11 (d) The records required under this section shall be:

12 (1) made available for inspection and copying at the
13 board's expense on demand by the board or an authorized
14 representative of the board;

15 (2) maintained at the license holder's office location
16 in the county; and

17 (3) maintained for not less than four years after the
18 conclusion of the case for which the bond was given.

19 SECTION 21. Subsection (a), Section 1704.204, Occupations
20 Code, is amended to read as follows:

21 (a) A person [~~license holder~~] shall pay a final judgment on
22 a forfeiture of a bail bond executed by the person [~~license holder~~]
23 not later than the 31st [~~30th~~] day after the date of the final
24 judgment unless a timely motion for a new trial has been filed. If a
25 timely motion for a new trial or a notice of appeal has been filed,
26 the person shall:

27 (1) pay the judgment not later than the 31st day after

1 the date the motion is overruled, if the motion is overruled; or

2 (2) deposit with the court cash or a supersedeas bond
3 in the amount of the final judgment, if an appeal is filed.

4 SECTION 22. Subsection (a), Section 1704.207, Occupations
5 Code, is amended to read as follows:

6 (a) A person executing a bail bond may ~~[not]~~ surrender the
7 principal for whom the bond is executed by ~~[unless]~~:

8 (1) if the principal is represented by an attorney,
9 notifying the principal's attorney of the person's intention to
10 surrender the principal in a manner provided by Rule 21a, Texas
11 Rules of Civil Procedure; and

12 (2) filing an affidavit with the court or magistrate
13 before which the prosecution is pending that states:

14 (A) the person's intention to surrender the
15 principal;

16 (B) the court and cause number of the case;

17 (C) the name of the defendant;

18 (D) the offense with which the defendant is
19 charged;

20 (E) the date of the bond;

21 (F) the reason for the intended surrender; and

22 (G) that notice of the person's intention to
23 surrender the principal has been provided as required by this
24 subsection ~~[the person executes and files with the court having~~
25 ~~jurisdiction over the case an affidavit stating:~~

26 ~~[(A) the date the bond was executed,~~

27 ~~[(B) the fee paid for the bond, and~~

1 [~~(C) the reason for the surrender, and~~
2 [~~(2) the court authorizes the surrender in writing~~].

3 SECTION 23. Subchapter F, Chapter 1704, Occupations Code,
4 is amended by adding Section 1704.2535 to read as follows:

5 Sec. 1704.2535. FAILURE TO PAY FINAL JUDGMENT BY BAIL BOND
6 SURETY. (a) The board or its authorized representative shall
7 immediately notify the sheriff if a bail bond surety fails to pay a
8 final judgment of forfeiture as provided by Section 1704.204(a).

9 (b) After receiving notification, the sheriff may not
10 accept any bonds from the bail bond surety until the surety pays the
11 judgment.

12 (c) The bail bond surety's privilege to post bonds is
13 reinstated when the bail bond surety pays the judgment.

14 (d) A board is not required to provide notice or a hearing
15 before making the notification required by this section.

16 SECTION 24. Subsection (a), Section 1704.254, Occupations
17 Code, is amended to read as follows:

18 (a) Notice of a hearing to suspend or revoke a license under
19 this chapter must:

20 (1) be sent by certified mail to the last known address
21 of the license holder not later than the 11th day before the date of
22 the hearing; ~~and~~

23 (2) state each alleged violation of this chapter; and

24 (3) include a copy of any written complaint on which
25 the hearing will be based.

26 SECTION 25. Section 1704.255, Occupations Code, is amended
27 by adding Subsection (c) to read as follows:

1 (c) The board may not assert a reason on appeal for an action
2 by the board that differs from the reasons specified in the board's
3 notice of hearing under Section 1704.254.

4 SECTION 26. Section 1704.301, Occupations Code, is amended
5 to read as follows:

6 Sec. 1704.301. RETURN OF SECURITY [~~IN EXCESS OF RISK~~
7 ~~PROHIBITED~~]. A bail bond surety [~~license holder~~] may not hold
8 security for the payment of a bail bond fee or [~~and~~] to assure the
9 principal's appearance in court for more than 30 days after the date
10 on which the owner of the security:

11 (1) requests return of the security in writing; and

12 (2) submits to the bail bond surety written evidence
13 of the conclusion of:

14 (A) the payment agreement; or

15 (B) all of the criminal cases for which the
16 security was given [~~if the amount of the security held exceeds the~~
17 ~~particular risk involved in the case~~].

18 SECTION 27. Subsection (b), Section 1704.303, Occupations
19 Code, as amended by Chapters 1262 and 1461, 77th Legislature,
20 Regular Session, 2001, is reenacted to read as follows:

21 (b) A person may not advertise as a bail bond surety in a
22 county unless the person holds a license issued under this chapter
23 by a bail bond board in that county. A person does not violate this
24 subsection if the person places an advertisement that appears in
25 more than one county and:

26 (1) the advertisement clearly indicates the county or
27 counties in which the person holds a license issued under this

1 chapter; and

2 (2) any local telephone number in the advertisement is
3 a local number only for a county in which the person holds a license
4 issued under this chapter.

5 SECTION 28. Subsection (c), Section 1704.202, Occupations
6 Code, is repealed.

7 SECTION 29. The changes in law made by this Act regarding
8 the composition or election of a county bail bond board do not
9 affect the entitlement of a member serving on a board immediately
10 before September 1, 2003, to continue to serve and function as a
11 member of the board for the remainder of the member's term. Those
12 changes in law apply only to a member appointed or elected on or
13 after September 1, 2003.

14 SECTION 30. (a) Sections 1704.159, 1704.160, and
15 1704.162, Occupations Code, as amended by this Act, apply only to an
16 application filed on or after the effective date of this Act. An
17 application filed before the effective date of this Act is governed
18 by the law in effect on the day the application was filed, and the
19 former law is continued in effect for that purpose.

20 (b) Section 1704.254, Occupations Code, as amended by this
21 Act, applies only to a notice that occurs on or after the effective
22 date of this Act. A notice that occurs before the effective date of
23 this Act is governed by the law in effect on the day the notice
24 occurs, and the former law is continued in effect for that purpose.

25 (c) Section 1704.255, Occupations Code, as amended by this
26 Act, applies only to an appeal filed on or after the effective date
27 of this Act. An appeal filed before the effective date of this Act

1 is governed by the law in effect on the day the appeal was filed, and
2 the former law is continued in effect for that purpose.

3 SECTION 31. (a) Section 1704.303, Occupations Code, as
4 amended by this Act, applies only to an offense committed on or
5 after the effective date of this Act.

6 (b) An offense committed before the effective date of this
7 Act is covered by the law in effect when the offense was committed,
8 and the former law is continued in effect for that purpose.

9 (c) For purposes of this section, an offense is committed
10 before the effective date of this Act if any element of the offense
11 occurs before that date.

12 SECTION 32. The change in law made by this Act applies only
13 to a bail bond executed on or after the effective date of this Act.
14 A bail bond executed before the effective date of this Act is
15 covered by the law in effect when the bail bond was executed, and
16 the former law is continued in effect for that purpose.

17 SECTION 33. This Act takes effect immediately if it
18 receives a vote of two-thirds of all the members elected to each
19 house, as provided by Section 39, Article III, Texas Constitution.
20 If this Act does not receive the vote necessary for immediate
21 effect, this Act takes effect September 1, 2003.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1336 passed the Senate on May 1, 2003, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 31, 2003, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1336 passed the House, with amendments, on May 28, 2003, by the following vote: Yeas 139, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor