

By: Hinojosa

S.B. No. 624

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of bail bond sureties.

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

SECTION 1. Subdivision (4), Section 1704.001, Occupations Code, is amended to read as follows:

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

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

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

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

(2) be at least 18 years of age;

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

(4) submit documentary evidence that [have], in the two years preceding the date a license application is filed, the individual:

(A) has been continuously employed by a person licensed under this chapter for at least one year and for not less

1 than 30 hours per week, excluding annual leave, and has performed
2 duties that encompass all phases of the bonding [~~of continuous work~~
3 ~~experience in the bail bond~~] business; and

4 (B) completed in person at least eight hours of
5 continuing legal education in criminal law courses or bail bond law
6 courses that are approved by the State Bar of Texas and that are
7 offered by an accredited institution of higher education in the
8 state.

9 SECTION 3. Section 1704.163, Occupations Code, is amended
10 to read as follows:

11 Sec. 1704.163. ATTORNEY EXEMPTION. (a) Except as provided
12 by this section, a person not licensed under this chapter may
13 execute a bail bond or act as a surety for another person in any
14 county in this state if the person:

15 (1) is licensed to practice law in this state; and

16 (2) at the time the bond is executed or the person acts
17 as a surety, files a notice of appearance as counsel of record in
18 the criminal case for which the bond was executed or surety provided
19 or submits proof that the person has previously filed with the court
20 in which the criminal case is pending the notice of appearance as
21 counsel of record [~~represents the other person in the criminal case~~
22 ~~for which the bond was given~~].

23 (b) A person executing a bail bond or acting as a surety
24 under this section may not engage in conduct involved with that
25 practice that would subject a bail bond surety to license
26 suspension or revocation. If the board determines that a person has
27 violated this subsection, the board may suspend or revoke the

1 person's authorization to post a bond under this section or may bar
2 the person from executing [~~person may not execute~~] a bail bond or
3 acting [~~act~~] as a surety under this section until the person has
4 remedied the violation.

5 (c) A person executing a bail bond or acting as a surety
6 under this section [~~who has been paid a fee for executing the bond~~
7 ~~or acting as the surety~~] is not relieved of liability on the bond
8 solely because the person is later replaced as attorney of record in
9 [~~has not been employed to represent the principal on the merits of~~]
10 the criminal case.

11 SECTION 4. This Act takes effect September 1, 2005.