

1-1 By: Hinojosa S.B. No. 624
1-2 (In the Senate - Filed February 21, 2005; March 1, 2005,
1-3 read first time and referred to Committee on Business and Commerce;
1-4 April 22, 2005, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 22, 2005,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 624 By: Estes

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the regulation of bail bond sureties.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subdivision (4), Section 1704.001, Occupations
1-13 Code, is amended to read as follows:

1-14 (4) "Bonding business" or "bail bond business" means
1-15 the solicitation, negotiation, or execution of a bail bond by a bail
1-16 bond surety.

1-17 SECTION 2. Subsection (a), Section 1704.152, Occupations
1-18 Code, is amended to read as follows:

1-19 (a) To be eligible for a license under this chapter, an
1-20 individual, including an agent designated by a corporation in an
1-21 application, must:

1-22 (1) be a resident of this state and a citizen of the
1-23 United States;

1-24 (2) be at least 18 years of age;

1-25 (3) possess the financial resources required to comply
1-26 with Section 1704.160, unless the individual is acting only as
1-27 agent for a corporation holding a license under this chapter; and

1-28 (4) submit documentary evidence that [have], in the
1-29 two years preceding the date a license application is filed, the
1-30 individual:

1-31 (A) has been continuously employed by a person
1-32 licensed under this chapter for at least one year and for not less
1-33 than 30 hours per week, excluding annual leave, and has performed
1-34 duties that encompass all phases of the bonding [of continuous work
1-35 experience in the bail bond] business; and

1-36 (B) completed in person at least eight hours of
1-37 continuing legal education in criminal law courses or bail bond law
1-38 courses that are approved by the State Bar of Texas and that are
1-39 offered by an accredited institution of higher education in the
1-40 state.

1-41 SECTION 3. Section 1704.163, Occupations Code, is amended
1-42 to read as follows:

1-43 Sec. 1704.163. ATTORNEY EXEMPTION. (a) Except as provided
1-44 by this section, a person not licensed under this chapter may
1-45 execute a bail bond or act as a surety for another person in any
1-46 county in this state if the person:

1-47 (1) is licensed to practice law in this state; and

1-48 (2) at the time the bond is executed or the person acts
1-49 as a surety, files a notice of appearance as counsel of record in
1-50 the criminal case for which the bond was executed or surety provided
1-51 or submits proof that the person has previously filed with the court
1-52 in which the criminal case is pending the notice of appearance as
1-53 counsel of record [represents the other person in the criminal case
1-54 for which the bond was given].

1-55 (b) A person executing a bail bond or acting as a surety
1-56 under this section may not engage in conduct involved with that
1-57 practice that would subject a bail bond surety to license
1-58 suspension or revocation. If the board determines that a person has
1-59 violated this subsection, the board may suspend or revoke the
1-60 person's authorization to post a bond under this section or may bar
1-61 the person from executing [person may not execute] a bail bond or
1-62 acting [act] as a surety under this section until the person has
1-63 remedied the violation.

2-1 (c) A person executing a bail bond or acting as a surety
2-2 under this section [~~who has been paid a fee for executing the bond~~
2-3 ~~or acting as the surety~~] is not relieved of liability on the bond
2-4 solely because the person is later replaced as attorney of record in
2-5 [~~has not been employed to represent the principal on the merits of~~]
2-6 the criminal case.

2-7 SECTION 4. This Act takes effect September 1, 2005.

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