

## **BILL ANALYSIS**

C.S.H.B. 465

By: Flores

Licensing & Administrative Procedures  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Currently, in order to be licensed as a bail bond surety, an individual must comply with certain provisions of Chapter 1704 of the Occupations Code.

In addition, when a defendant hires a bail bondsman to post bond then is released on a personal bond, the bail bondsman is allowed to charge a fee for his or her services, however there is no limit on the amount of fee a bail bondsman may charge a defendant who is released on a personal bond.

C.S.H.B. 465 removes the requirement that, in the two years preceding the date a license application is filed, an individual be continuously employed by a licensed bail bond surety for at least one year and for not less than 30 hours per week, excluding annual leave, and has performed all duties that encompass all phases of the bonding business when an individual submits documentary evidence and seeks to end the practice of charging the defendant a fee who is released on a personal bond.

### **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. 465 removes the requirement that, in the two years preceding the date a license application is filed, an individual has been continuously employed by a licensed bail bondsman for at least one year and for not less than 30 hours per week, excluding annual leave, and has performed all duties that encompass all phases of the bonding business when an individual submits documentary evidence.

C.S.H.B. 465 provides that an initial license issued is valid for one year. During the first year a person holds a license issued, the board may review the license holder at any time and shall review the license holder to determine compliance with this chapter six months after the initial license was issued and not later than one year of the initial license issuance date. Authorizes the license holder to renew the license if the board determines in its review the license holder is in compliance.

C.S.H.B. 465 stipulates that with the exception of those bail bondsman with an initial license, the issuing and renewal procedures are unchanged.

C.S.H.B. 465 prohibits a person, other than an attorney representing the defendant, from charging a fee for assisting a defendant to obtain release on personal bond, except for a fee imposed under Article 17.42. An offense under this section is a Class A misdemeanor.

C.S.H.B. 465 applies only to an application filed with a bail bond board on or after the effective date of this Act.

### **EFFECTIVE DATE**

September 1, 2007.

C.S.H.B. 465 80(R)

## **COMPARISON TO THE ORIGINAL TO SUBSTITUTE**

The original bill added a section prohibiting an applicant from serving as an apprentice while CSHB 465 amends current statute by deleting language requiring that, in the two years preceding the date a license application is filed, an applicant for licensure has been employed by a licensed bail bondsman for at least one year and for not less than 30 hours per week, excluding annual leave and has performed duties that encompass all phases of the bonding business when submitting documentary evidence.

CSHB 465 adds language to provide procedures for issuing an initial license and makes the section an exception to the issuing and renewal process of other licenses under this chapter.

The original bill prohibited an eligible bail bond surety who was not a surety for the defendant from charging a fee for serving as a bail bond surety and that exceeded \$35 for attending the court proceeding. Instead, CSHB 465 prohibits a person, other than an attorney representing the defendant, from charging a fee for release of a defendant on a personal bond, except for a fee imposed under Article 17.42. The substitute increases the penalty from a Class C misdemeanor to a Class A misdemeanor.

CSHB 465 adds language stating that the change in law applies only to an application filed with a bail bond board on or after the effective date of this Act.