

By: Raymond

H.B. No. 4546

Substitute the following for H.B. No. 4546:

By: Kuempel

C.S.H.B. No. 4546

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the exemption of an attorney from licensing
3 requirements for bail bond sureties.

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

5 SECTION 1. Section 1704.163, Occupations Code, is amended
6 by amending Subsection (a) and adding Subsection (a-1) to read as
7 follows:

8 (a) Except as provided by this section, a person not
9 licensed under this chapter may execute a bail bond or act as a
10 surety for another person in any county in this state if the person:

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

12 (2) at the time the bond is executed or the person acts
13 as a surety:

14 (A) [7] files a notice of appearance as counsel
15 of record in the criminal case for which the bond was executed or
16 surety provided or submits proof that the person has previously
17 filed with the court in which the criminal case is pending the
18 notice of appearance as counsel of record; and

19 (B) if a bond is executed, presents an affidavit
20 that:

21 (i) is signed by the principal;

22 (ii) is attached to the bond; and

23 (iii) states that the principal has signed

24 a contract retaining the person as counsel for the criminal case for

1 which the bond was executed.

2 (a-1) A person not licensed under this chapter may execute a
3 bail bond or act as a surety for another person in a case involving a
4 Class C misdemeanor if the person:

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

6 (2) at the time the bond is executed or the person acts
7 as a surety, files a notice of appearance as counsel of record in
8 the criminal case for which the bond was executed or surety provided
9 or submits proof that the person has previously filed with the court
10 in which the criminal case is pending the notice of appearance as
11 counsel of record.

12 SECTION 2. The change in law made by this Act applies only
13 to a bail bond executed or a person who acts as a surety on or after
14 the effective date of this Act. A bail bond executed or a person who
15 acts as a surety before the effective date of this Act is governed
16 by the law in effect on the date the bail bond was executed or the
17 person acted as a surety, and the former law is continued in effect
18 for that purpose.

19 SECTION 3. This Act takes effect September 1, 2009.