

## **BILL ANALYSIS**

Senate Research Center  
82R8771 AJZ-F

H.B. 1823  
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Criminal Justice  
5/13/2011  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Texas counties fall under one of two distinct schemes for the regulation of the bail bond business, based primarily on the population size of the county. In some counties, the bail bond business is regulated under the Occupations Code, and in others, under the Code of Criminal Procedure. Interested parties argue that certain authority granted to and restrictions imposed on bail bond businesses under the Occupations Code should also be applicable to such businesses under the Code of Criminal Procedure.

H.B. 1823 proposes changes to the authority of certain persons to execute bail bonds and act as sureties under Chapter 17 (Bail), Code of Criminal Procedure, to harmonize provisions of that law with related provisions under the Occupations Code.

H.B. 1823 amends current law relating to the authority of certain persons to execute bail bonds and act as sureties.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Article 17.07, Code of Criminal Procedure, as follows:

Art. 17.07. CORPORATION TO FILE WITH COUNTY CLERK POWER OF ATTORNEY DESIGNATING AGENT. (a) Creates this subsection from existing text. Makes no further changes to this subsection.

(b) Authorizes a corporation to limit the authority of an agent designated under Subsection (a) by specifying the limitation in the power of attorney that is filed with the county clerk.

SECTION 2. Amends Article 17.10, Code of Criminal Procedure, by adding Subsection (c), to prohibit a person, for compensation, from acting as a surety on a bail bond if the person has been finally convicted of a misdemeanor involving moral turpitude, or a felony.

SECTION 3. Provides that a limitation of the authority of an agent under Article 17.07(b), Code of Criminal Procedure, as added by this Act, is applicable only to a bail bond that is executed on or after the effective date of this Act; and after the limitation of authority described by Article 17.07(b) is filed with the county clerk, as provided by that article.

SECTION 4. Makes application of Article 17.10(c), Code of Criminal Procedure, as added by this Act, prospective.

SECTION 5. Effective date: September 1, 2011.