

BILL ANALYSIS

H.B. 1823
By: Harless
Licensing & Administrative Procedures
Committee Report (Unamended)

BACKGROUND AND PURPOSE

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 the Code of Criminal Procedure to harmonize provisions of that law with related provisions under the Occupations Code.

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

H.B. 1823 amends the Code of Criminal Procedure to authorize a corporation lawfully authorized to act as a surety on a bail bond to limit the authority of an agent designated by the corporation to execute a bail bond on the corporation's behalf by specifying the limitation in the power of attorney designating the agent that is filed with the county clerk. The bill makes the limitation applicable only to a bail bond that is executed after the limitation is filed with the county clerk. The bill prohibits a person from acting as a surety on a bail bond for compensation if the person has been finally convicted of a misdemeanor involving moral turpitude or a felony.

EFFECTIVE DATE

September 1, 2011.