

By: Harless

H.B. No. 1823

A BILL TO BE ENTITLED

AN ACT

relating to the authority of certain persons to execute bail bonds and act as sureties.

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

SECTION 1. Article 17.07, Code of Criminal Procedure, is amended to read as follows:

Art. 17.07. CORPORATION TO FILE WITH COUNTY CLERK POWER OF ATTORNEY DESIGNATING AGENT. (a) Any corporation authorized by the law of this State to act as a surety, shall before executing any bail bond as authorized in the preceding Article, first file in the office of the county clerk of the county where such bail bond is given, a power of attorney designating and authorizing the named agent, agents or attorney of such corporation to execute such bail bonds and thereafter the execution of such bail bonds by such agent, agents or attorney, shall be a valid and binding obligation of such corporation.

(b) A corporation may 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. Article 17.10, Code of Criminal Procedure, is amended by adding Subsection (c) to read as follows:

(c) A person, for compensation, may not act as a surety on a bail bond if the person has been finally convicted of:

(1) a misdemeanor involving moral turpitude; or

1 (2) a felony.

2 SECTION 3. A limitation of the authority of an agent under
3 Article 17.07(b), Code of Criminal Procedure, as added by this Act,
4 is applicable only to a bail bond that is executed:

5 (1) on or after the effective date of this Act; and

6 (2) after the limitation of authority described by
7 Article 17.07(b) is filed with the county clerk, as provided by that
8 article.

9 SECTION 4. Article 17.10(c), Code of Criminal Procedure, as
10 added by this Act, applies only to a person convicted of an offense
11 committed on or after the effective date of this Act. A person
12 convicted of an offense committed before the effective date of this
13 Act is governed by the law in effect on the date the offense was
14 committed, and the former law is continued in effect for that
15 purpose. For purposes of this section, an offense was committed
16 before the effective date of this Act if any element of the offense
17 occurred before that date.

18 SECTION 5. This Act takes effect September 1, 2011.