

1 AN ACT

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

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

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

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

17 (b) A corporation may limit the authority of an agent  
18 designated under Subsection (a) by specifying the limitation in the  
19 power of attorney that is filed with the county clerk.

20 SECTION 2. Article 17.10, Code of Criminal Procedure, is  
21 amended by adding Subsection (c) to read as follows:

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

24 (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.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 1823 was passed by the House on April 26, 2011, by the following vote: Yeas 148, Nays 0, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 1823 was passed by the Senate on May 25, 2011, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor