

1-1 By: Harless (Senate Sponsor - Huffman) H.B. No. 1823
1-2 (In the Senate - Received from the House April 27, 2011;
1-3 May 3, 2011, read first time and referred to Committee on Criminal
1-4 Justice; May 19, 2011, reported favorably by the following vote:
1-5 Yeas 7, Nays 0; May 19, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the authority of certain persons to execute bail bonds
1-9 and act as sureties.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Article 17.07, Code of Criminal Procedure, is
1-12 amended to read as follows:

1-13 Art. 17.07. CORPORATION TO FILE WITH COUNTY CLERK POWER OF
1-14 ATTORNEY DESIGNATING AGENT. (a) Any corporation authorized by the
1-15 law of this State to act as a surety, shall before executing any
1-16 bail bond as authorized in the preceding Article, first file in the
1-17 office of the county clerk of the county where such bail bond is
1-18 given, a power of attorney designating and authorizing the named
1-19 agent, agents or attorney of such corporation to execute such bail
1-20 bonds and thereafter the execution of such bail bonds by such agent,
1-21 agents or attorney, shall be a valid and binding obligation of such
1-22 corporation.

1-23 (b) A corporation may limit the authority of an agent
1-24 designated under Subsection (a) by specifying the limitation in the
1-25 power of attorney that is filed with the county clerk.

1-26 SECTION 2. Article 17.10, Code of Criminal Procedure, is
1-27 amended by adding Subsection (c) to read as follows:

1-28 (c) A person, for compensation, may not act as a surety on a
1-29 bail bond if the person has been finally convicted of:

1-30 (1) a misdemeanor involving moral turpitude; or
1-31 (2) a felony.

1-32 SECTION 3. A limitation of the authority of an agent under
1-33 Article 17.07(b), Code of Criminal Procedure, as added by this Act,
1-34 is applicable only to a bail bond that is executed:

1-35 (1) on or after the effective date of this Act; and

1-36 (2) after the limitation of authority described by
1-37 Article 17.07(b) is filed with the county clerk, as provided by that
1-38 article.

1-39 SECTION 4. Article 17.10(c), Code of Criminal Procedure, as
1-40 added by this Act, applies only to a person convicted of an offense
1-41 committed on or after the effective date of this Act. A person
1-42 convicted of an offense committed before the effective date of this
1-43 Act is governed by the law in effect on the date the offense was
1-44 committed, and the former law is continued in effect for that
1-45 purpose. For purposes of this section, an offense was committed
1-46 before the effective date of this Act if any element of the offense
1-47 occurred before that date.

1-48 SECTION 5. This Act takes effect September 1, 2011.

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