

## BILL ANALYSIS

C.S.H.B. 2280  
By: Phillips  
Licensing & Administrative Procedures  
Committee Report (Substituted)

### BACKGROUND AND PURPOSE

Under current law, a person is prohibited from being employed by a licensed surety if that person has been convicted of a misdemeanor offense involving moral turpitude or of a felony in the preceding 10 years. However, interested parties contend that there is some ambiguity as to the legality of such a person working for an attorney who acts as a surety because an attorney is not required to be licensed as a surety in order to engage in bail bonding business. The goal of C.S.H.B. 2280 is to clarify this ambiguity.

### 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

C.S.H.B. 2280 amends the Code of Criminal Procedure to prohibit a surety, including an attorney acting as a surety, from employing or contracting with a person to act as an agent for the surety if the person has been finally convicted of a misdemeanor involving moral turpitude or a felony.

### EFFECTIVE DATE

September 1, 2013.

### COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2280 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

#### INTRODUCED

SECTION 1. Section 1704.302(c), Occupations Code, is amended to read as follows:

(c) A person may not accept or receive ~~[from a license holder]~~ money, property, or any other thing of value as payment for employment with a bonding business if, within the preceding 10 years, the person has been convicted of a misdemeanor involving moral turpitude or of a felony.

#### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Article 17.10, Code of Criminal Procedure, is amended by adding Subsection (d) to read as follows:

(d) A surety, including an attorney acting as a surety, may not employ or contract with a person to act as an agent for the surety if the person has been finally convicted of:

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

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

No equivalent provision.

SECTION 3. This Act takes effect September 1, 2013.

SECTION 2. Same as introduced version.