

BILL ANALYSIS

H.B. 2586
By: Thompson, Senfronia
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties express concerns that county electronic bail bond filing systems are insufficiently secure. H.B. 2586 seeks to provide for greater security of such electronic filing systems.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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. 2586 amends the Code of Criminal Procedure to require the commissioners court of a county that permits the electronic filing of bail bonds to adopt security standards to prevent the filing of fraudulent electronic bail bonds and to authorize such a county to establish a system for the electronic filing of bail bonds that requires each surety to use a digital signature for the bond and any applicable attached power of attorney, that assigns user names and passwords for each surety's office and holds the surety responsible for each bond electronically submitted to the county under the office's user name and password, or that allows a corporate surety to file the required power of attorney designating an agent through the implementation of a digital power of attorney system in which a power of attorney containing a serial number is attached to the bond through a third-party website. The bill makes this requirement and this authorization subject to the implementation of a statewide system for the electronic filing of bail bonds.

H.B. 2586 prohibits an individual acting on the individual's own behalf or on behalf of a corporate surety from filing an electronic bail bond unless the individual and any surety on the bond are otherwise authorized to file bail bonds in the appropriate jurisdiction and are in compliance with the requirement to maintain an office in the appropriate county, if the electronic bail bond is filed in a county governed by statutory provisions regulating bail bond sureties. The bill applies specified statutory provisions governing bail to bail bonds filed electronically if those provisions do not conflict with the bill's provisions.

EFFECTIVE DATE

September 1, 2017.