

## HARRIS COUNTY BAIL BOND BOARD LOCAL RULES

The following rules have been adopted by the Harris County Bail Bond Board, hereafter called the Board, pursuant to its authority under Chapter 1704 of the Texas Occupations Code. The rules relate to those persons or entities who may be licensed as a bail bond surety, as defined in Chapter 1704 of the Texas Occupations Code, and who may write a bail bond in Harris County, Texas. Any rule violation may result in sanctions as the Board may assess pursuant to Texas law.

1. A completed application for a **new** bail bond surety license, along with all required attachments, must be on file with the Board at 31 days before a license will be considered by the Board.

A completed application for **renewal** of an existing license, along with all required attachments, must be on file with the Board no later than 31 days prior to the expiration of the license.

- A. An agenda stating which applications will be considered by the Board will be posted as required by the Texas Open Meetings Act.
- B. Applicants and license holders are required to attend the Board meeting and will be subject to questioning by the Board when their application is considered and prior to a vote by the Board on that application.
- C. If an applicant for a license relies on an affidavit of an individual to establish the requirements of section 1704.152(A)(4)(a), the applicant will ensure that the affiant appears at any hearing on the application to answer any questions that the Board may have. The failure of the affiant to appear with the applicant may be grounds to table the application.
- D. Each license applicant, whether for a new license or for renewal of an existing license, must prove that the applicant has possession of sufficient financial resources to indemnify Harris County against any loss. Such evidence may include, but is not limited to, financial statements, current profit and loss statements, and current asset and liability balance sheets. All information provided should be current as of 90 days prior to submission of the application. If a corporate surety is unable to provide financial information that is current as of 90 days prior to the submission, then they shall provide the most recent, current, and up-to-date financial information available. An applicant may be asked to confirm under oath at the Board meeting that the information in the application remains materially correct and has not materially changed.

- E. At the time a licensee deposits \$50,000.00 in cash, CDs (including a document that complies with Uniform Commercial Code § 9.104(a)(2) that is acceptable to, or promulgated by, the Board), or real property with the Board, the financial responsibility requirement of the law is considered satisfied.
  - F. No licensee may make a single bond in excess of the amount the licensee has deposited with the Board. This subsection does not apply to corporate sureties licensed by the Board.
  - G. All applications for a new or renewal license shall be completed on the form approved by the Board and provided by the Harris County Sheriff's Office Bonding Division.
  - H. The Board recommends that applicants for renewal of a license plan to have the renewal considered at a meeting of the Board that is at least 40 days before expiration of the existing license and in no event at a meeting less than 10 days before the expiration of the license. If the Board tables a renewal application, the Board is not obligated to consider it until the subsequent month's meeting. This could result in the applicant's current license expiring before it is renewed. Applicants for renewal are reminded that a Board order renewing the license is not effective for 10 days.
2. The application fee for an original or renewal license is not refundable in the event the Board denies the application. An application that is withdrawn by the applicant prior to the Board's consideration shall not be considered by the Board and the application fee shall be returned.
  3. The Board may delegate to members of the Board, or their designees, authority to investigate and conduct sworn voir dire examinations of an applicant and any other relevant persons or matters.
  4. No collateral of any kind submitted to obtain or renew a license shall be changed, substituted, or modified without approval from the Board.
  5. Real property deeded in trust to the Board must meet the following requirements:
    - A. The property must be located in Texas.
    - B. The property cannot be exempt from forced sale.
    - C. The property must be unencumbered.

- D. Each licensee must submit to the Board a certified copy of the warranty deed establishing the licensee's ownership of the property.
  - E. Proof that all property tax and homeowner's association obligations are current.
  - F. A deed of trust must name the Harris County Bail Bond Board as beneficiary and be recorded with the County Clerk of the county where the real property is located. The deed of trust shall be in a form approved by the County Attorney. The original recorded deed of trust will be held and secured as directed by the Board.
6. When a licensee or agent for a corporate surety relies on collateral other than real property, they may submit at least \$50,000.00 in cash, or cash equivalent styled in the name of the Harris County Treasurer and issued by a government insured financial institution in one of the following forms:
- A. A cashier's check of unlimited time duration,
  - B. A certificate of deposit that
    - 1. is never allowed to lapse,
    - 2. is automatically renewable, and
    - 3. is a negotiable instrument, or
    - 4. is accompanied by an assignment of security interest on a form that complies with Uniform Commercial Code § 9.104(a)(2) and that is acceptable to, or promulgated by, the Board.
  - C. A non-negotiable certificate of deposit that
    - 1. is never allowed to lapse,
    - 2. is automatically renewable, and
    - 3. is accompanied by an assignment of security interest on a form that complies with Uniform Commercial Code § 9.104(a)(2) and that is acceptable to, or promulgated by, the Board.
7. General and Limited Powers of Attorney.
- A. Before a designated agent may execute a bond on behalf of a licensed corporate surety, a general power of attorney for the agent must be filed with the Harris County Clerk and the Board as directed by Chapter 1704 of the Texas Occupations Code. If the corporate surety revokes the general power of attorney, simultaneous written notice must be submitted to the Board. A revocation is not effective until received by the Board.

- B. The Sheriff will only accept a bail bond from an agent for a corporate surety whose general power of attorney has not expired and has been properly and timely filed with the Harris County Clerk. A limited power of attorney accepted for an individual bond does not negate a valid general power of attorney from establishing liability of the corporate surety.
8. Each licensee and agent for a corporate surety must have a signature card on file with the Harris County Sheriff's Office Bonding Division before they will be permitted to execute a bond.
  9. All licensees and agents for corporate sureties must maintain an office in Harris County. Not later than the seventh day after the date a license holder opens a new office or moves an office to a new location, the license holder shall notify the Board of the location of the office. An "office" is any location where a licensee or agent conducts bail bond business, maintains business records, employs staff, meets with clients, accepts payment of bonds, or installs and maintains an advertised phone number.
  10. No licensee or agent for a corporate surety may use a phone number, an address, or name to advertise or solicit bonds, nor maintain a separate office with separate phone numbers without prior notice to or approval by the Board as required by Chapter 1704 of the Texas Occupations Code. No licensee or agent for a corporate surety may advertise or solicit under an assumed name without being properly licensed by the Board under that assumed name. A valid license number must be displayed on all advertisements and solicitations.
  11. Assumed Names.
    - A. Each licensee or agent for a corporate surety who uses an assumed name must submit to the Board a certified copy of the assumed name certificate that has been filed with the Harris County Clerk's Office.
    - B. A licensee or agent for a corporate surety shall not use in its bail bond business an assumed name that is the same as, or deceptively similar to, an assumed name that is already being used in a Harris County bail bond business.
    - C. Part B of this Rule does not apply to the following situations:
      1. A licensee or agent for a corporate surety may use a similar assumed name for its own additional licenses.
      2. A licensee or agent for a corporate surety may sell an assumed name to another licensee or agent for a corporate surety, provided that the

licensee or agent for a corporate surety selling the assumed name ceases to use the assumed name to advertise, solicit, or post bonds.

3. If a licensee or agent for a corporate surety dies, the licensee or agent for a corporate surety seeking to be licensed under §1704.152(c)(2) of the Texas Occupations Code may use an assumed name that is the same or similar to that of the deceased license holder.
4. If a licensee or agent for a corporate surety dies, the license holder's estate may transfer the license holder's assumed name to another licensee or agent for a corporate surety.

12. Meeting Procedures.

- A. Pursuant to the Texas Open Meetings Act, the Harris County Bail Bond Board posts an agenda prior to the meeting of the Board. An interested person may request an item to be placed on the Agenda by presenting the request in writing to the Harris County Sheriff's Office Bonding Division no later than 10 days before the Board Meeting at which the item is to be considered, discussed, and acted on. This does not apply to new or renewal applications as provided in Rule 1.
- B. Anyone wishing to speak at any Bail Bond Board meeting with respect to any issue or any item on the Bail Bond Board agenda is limited to three minutes, exclusive of any time spent answering specific questions by any member of the Board. The Board may make and approve a motion to extend the time of any speaker.

13. Identification Cards.

- A. Qualifications and Eligibility – Any individual who meets the following requirements is eligible to receive a bail bond identification card:
  1. Has a valid government issued identification deemed sufficient by the Harris County Sheriff's Office Bonding Division;
  2. Is at least eighteen (18) years of age;
  3. Is licensed by the Harris County Bail Bond Board or is an employee or authorized representative of such licensee or agent of a corporate surety.
- B. Application – the applicant must complete an application for a bail bond identification card on the form provided by the Board. The application shall be signed by the licensee or agent for a corporate surety.

- C. Investigation and Issuance of New Card – The Harris County Sheriff’s Office Bonding Division shall investigate all applications to determine whether the requirements of Chapter 1704 of the Texas Occupations Code and of this rule are met. If the requirements are met, the Harris County Sheriff’s Office Bonding Division shall issue the bail bond identification card to the applicant after it is signed by the Board’s Chairman or Vice Chairman in the Chairman’s absence. Should the Harris County Sheriff’s Office Bonding Division determine that the applicant is not qualified, it shall issue, within six working days, a letter to the applicant stating the reason for the denial.
- D. Board Review – An applicant denied an identification card may appeal to the Board by delivering written notice of appeal to the Board not later than 30 days from the receipt of the denial.

All appeals will be placed on the Board agenda for the next regularly scheduled meeting if notice of appeal is received within ten (10) days before the next such meeting, otherwise, said appeal will be heard by the Board at the succeeding month’s meeting. On appeal, the Board shall decide whether to grant or deny the application.

- E. Expiration and Renewal of Identification Cards – an identification card issued under these rules expires on the date the license it is associated with expires.
  - F. The identification card issued to the licensee or agent of a corporate surety must be presented to the bonding desk at the time a bail bond, appearance bond, or appeal bond is presented.
- 14. The Harris County Sheriff’s Office Bonding Division shall distribute copies of upcoming agendas and corresponding packet materials to all Board members at least seven days before such meeting.
  - 15. Election of Certain Bail Bond Board Members.
    - A. The Board shall annually conduct a secret ballot election to elect the following Board members:
      - 1. Surety representative: A Harris County licensed bail bond surety or agent for a corporate surety; and
      - 2. Defense attorney representative: A criminal defense attorney who is practicing in Harris County.

B. The election will be administered by the Harris County Sheriff's Office Bonding Division. The members of the Sheriff's Office who are charged with handling the election may enlist the assistance of others to help in the administration of the election.

C. Nominations.

1. Nominations for the surety representative and defense attorney representative must be submitted directly to the Harris County Sheriff's Office Bonding Division by following the procedures posted on the Board's website.
2. Who is eligible to submit a nomination:
  - a. Only those eligible to vote under Local Rule 15(D)(1) are eligible to submit a nomination for the surety representative.
  - b. Only those eligible to vote under Local Rule 15(D)(2) are eligible to submit a nomination for the defense attorney representative.
3. The nomination period will be Monday through Friday of the week of the November Board meeting.

D. Voter Eligibility.

1. In the election for the surety representative, each individual licensed in the county as a bail bond surety or agent for a corporate surety is entitled to cast one vote for each license held.
2. In the election for the defense attorney representative, each attorney who has a principal place of business located in Harris County and who is not legally prohibited from representing criminal defendants in the county is entitled to cast one vote to elect the defense attorney representative. Attorneys must provide their State of Texas Bar Number when voting.

E. Election Place and Time.

1. The Harris County Sheriff's Office Bonding Division shall submit to the Board for approval at the October Board meeting proposed information regarding the place, time, and instructions for the upcoming elections.

2. The Harris County Sheriff's Office Bonding Division shall post Board-approved information regarding the place, time, and instructions for the election of the surety representative and defense attorney representative on the Harris County Bail Bond Board's website.
3. In the event that there is only a single nominee or candidate for either the surety representative or the defense attorney representative, the single nominee for that position shall be declared the winner without the necessity of an election.

F. Election Procedures.

1. A plurality vote is required. In order to prevail, a candidate must receive more votes than any other candidate for the office.
2. No proxy voting is allowed.
3. No write-in vote is allowed.
4. The results of the election for both the surety representative and defense attorney representative will be announced at the December Board meeting.
5. In the case of a tie, the winner will be decided by the flip of a coin.

G. The term of office continues until a successor takes office.

16. All licensed sureties with real property pledged as security must pay or cause to be paid all property taxes and homeowner's association fees assessed against the property before delinquency and not later than March 31 of each year, deliver paid tax and homeowner's association receipts, without lien or encumbrance, pertaining to the property to the Harris County Sheriff's Office Bonding Division, or give written notice to the Harris County Sheriff's Office Bonding Division, of the reason the property taxes and homeowner's association fees have not been paid.
17. A person may submit a written request to the licensee or agent for a corporate surety for a refund if a bond has not been submitted to the Harris County Sheriff's Office. Not later than ten business days from receipt of a written request for a refund, the licensee or agent shall make any refund due available to the depositor at the surety's office or provide a written explanation detailing why some or all of the requested refund is not being provided.

18. A complaint regarding a violation of these Rules or Texas Occupation Code Chapter 1704 may be submitted to the Harris County Sheriff's Office Bonding Division. The Harris County Sheriff's Office Bonding Division may resolve the complaint or, if it complies with Texas Occupations Code § 1704.251(b)(1) may forward it to the Board for resolution. A person dissatisfied with a resolution by the Harris County Sheriff's Office Bonding Division shall follow Texas Occupations Code § 1704.251(b)(1).
19. Before posting a surety bond for release of a pretrial detainee charged in state or county court in Harris County with a serious violent or sexual offense, persons or entities licensed as a bail bond surety in Harris County must collect a premium of at least 10 percent of the total surety bond amount and present proof of payment of the 10 percent premium to the Harris County Sheriff in the form of a sworn affidavit setting out the premium amount paid, identifying how the premium was paid (including, but not limited to, by cash, type of cash equivalent, property transfer, or property lien), and identifying who paid the premium.

For the purpose of this rule, a "serious violent or sexual offense" is one defined in the following sections of the Texas Penal Code:

1. Section 19.02 (murder);
2. Section 19.03 (capital murder);
3. Section 20.04 (aggravated kidnapping);
4. Section 20A.02 (trafficking of persons);
5. Section 20A.03 (continuous trafficking of persons);
6. Section 21.2 (continuous sexual abuse of young child or disabled individual);
7. Section 21.11 (indecent with a child);
8. Section 22.011 (sexual assault);
9. Section 22.021 (aggravated sexual assault);
10. Section 25.072 (repeated violation of certain court orders or conditions of bond in family violence, child abuse or neglect, sexual assault or abuse, indecent assault, stalking, or trafficking case);
11. Section 25.11 (continuous violence against the family);
12. Section 29.03 (aggravated robbery);
13. Section 43.25 (sexual act with a child)
14. Attempted murder;
15. Section 22.02 (aggravated assault);
16. Burglary of a habitation with intent to commit a serious violent or sexual offense;
17. Engaging in organized crime involving a serious violent or sexual offense.

20. Persons or entities licensed as a bail bond surety in Harris County who have posted a surety bond securing the pretrial release of any pretrial detainee in Harris County charged in Harris County with any county or state court criminal case must report to the Harris County Sheriff the criminal case number for which the surety bond is securing pretrial release, and the premium amount collected by the bail bond surety before the surety bond was posted.
  
21. Regulatory Requirements for Bail Bonding Business
  - A. No licensee or agent for a corporate surety shall violate the Texas Deceptive Trade Practices Act, TEX. BUS. & COM. CODE Chapter 17, in conducting any bail bond business activity. A violation of the Texas Deceptive Trade Practices Act is a violation of the rules adopted by the Board.
  
  - B. An agreement between a licensee, or agent for a corporate surety and a guarantor, co-surety, or defendant related to time or installment payments of any bond premium, security, or cost, however labeled, for making the bond must be in writing and be signed by both an authorized person for the licensee or agent for a corporate surety and any person responsible for making the time or installment payments. The agreement must be signed before the bond is made. If the defendant is to be a party to the agreement, such agreement must be signed by the defendant before the bond is made if the defendant is not already in custody or, if the defendant is already in custody, within two business days after the defendant is released from custody. The agreement must state the date and time at which each person signed the agreement. The agreement must state the total premium, security, or fee charged, the total outstanding amount owed that is to be paid over time or in installments, the amount of each future payment and to what it will be applied, the date by which payments must be made, and any charges, interest, or fees applicable to the time or installment agreement. A defendant who is not a party to a time or installment agreement must be given an opportunity of not less than five business days following actual notice from the licensee or agent for a corporate surety to make any untimely time or installment payment required of any guarantor or co-surety before a licensee or agent for a corporate surety may file an application or affidavit for surrender for the failure of a guarantor or co-surety to make a required payment. No licensee or agent for a corporate surety, or anyone acting on their behalf, may seek to surrender a bond for the failure to make required time or installment payments without having an agreement that complies with every requirement of this section. An application or affidavit for surrender of a bond must include, if it exists, a copy of any time or installment agreement required by this rule if the

application or affidavit to surrender the bond is based in whole or in part on the failure of anyone to make a time or installment payment subsequent to the posting of the bail bond.