

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 (hereinafter the "Bail Bond Act"). The rules relate to those persons or entities who may be licensed as a Bail Bond Surety, as defined in the Bail Bond Act, 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 an **original** Bail Bond Surety license, along with all required attachments, must be on file with the Board at least thirty (30) days before a license will be considered by the Board.

A completed application for the **renewal** of an existing license, along with all required attachments, must be filed with the Board no later than thirty-one (31) days prior to expiration of the license.

- A. All applicants and license holders are required to attend the Board meeting and will be subject to questioning by the Board at the Board meeting when their application is considered and prior to a vote by the Board on that application. An agenda stating which applications will be considered by the Board will be posted at the Harris County Sheriff's Office Bonding Office and at the Harris County Administration Building no less than seventy-two (72) hours prior to the Board meeting, except in emergency situations.
- B. Each license applicant, whether for an original license or for renewal of an existing license, must prove, among other requirements, to the satisfaction of the Board and by a preponderance of the evidence presented, that the applicant has possession of sufficient financial resources to provide Harris County indemnity against any unforeseeable loss on such obligations as may be undertaken by the applicant. Such evidence may be, but not limited to, financial statements prepared and certified by a Certified Public Account, current profit and loss statements certified by a Certified Public Accountant, or current asset/ liability balance sheets certified by Certified Public Accountant. Any documents to accepted and considered shall be current and dated within 90 days of submission of the application.
- C.
 - (1) At the time a licensee deposits \$50,000.00 in cash, CD's or property with the Bail Bond Board, the financial responsibility requirement of the law is considered satisfied.
 - (2) No licensee may make a single bond in excess of the amount the licensee has deposited with the Bail Bond Board.

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 hearing shall not be considered by the Board, and the application fee shall be returned.
3. The Board may delegate to the members, and/or their designees, authority to investigate and conduct sworn Voir Dire examinations in application for, and/ or renewal of, licenses, and into other matters such as, but not limited to, violations of any laws, rules and regulations.
4. No collateral of any kind submitted to obtain or renew a license can be changed, substituted for, or modified which might affect the Board's rights of execution against it, without prior written approval from the Board.
5. When licensee submits real property as collateral (1) it must be appraised by a real estate appraiser who is a member in good of a nationally recognized professional appraiser society or trade organization that has an established code of ethics, educational program, and professional certification program, e.g. Harris County Member of Appraisers Institute (M.A.I) or Society of Real Estate Appraisers (S.R.E.A.); (2) it must have a minimum appraised value of Fifty Thousand Dollars (\$50,000.00); (3) it must be re-appraised for each license renewal thereafter; and (4) it must be wholly situated within Harris County, Texas.
6. Real Property deeded in trust to the Board must meet the following requirements;
 - A. Property must be located in Harris County, Texas.
 - B. Such property cannot be exempt from forced sale.
 - C. Such property must be unencumbered.
 - D. The following documentation must be submitted:
 1. Original or certified copy of warranty deed executed and filed running in the name of the licensee, and
 2. Title policy specifying that there are no outstanding liens against the property other than the Board's deed of trust.
 - E. All submitted real estate must be appraised by an ACCEPTABLE CERTIFIED APPRAISER such as;
 1. Member of Appraisers Institute (M.A.I) or
 2. Society of Real Estate Appraisers (S.R.E.A).

- F. Official tax receipt photocopies of all State, County, City and School District Taxes through the previous tax year must be timely submitted.
 - G. Any deeds of trust must run to the Board and be recorded with the Harris County Clerk. Prior to recording, the deed of trust must be approved as directed by the Board. The original or certified copy of the recorded deed of trust will be held and secured as directed by the Board.
7. A. When a property licensee relies upon collateral other than real property, at his/her option, he may submit at least Fifty Thousand dollars (\$50,000.00) in cash, or cash equivalent styled in the name of the Harris County Treasurer and issued by a Harris County financial institution in one of the following forms:
- 1. A cashier's check of unlimited time duration,
 - 2. A certificate of deposit that
 - a) is never allowed to lapse,
 - b) is automatically renewable, and
 - c) is a negotiable instrument, or
 - 3. A non-negotiable certificate of deposit
 - a) is never allowed to lapse,
 - b) is automatically renewable, and
 - c) Accompanied by an assignment of security interest on a form that complies with Uniforms Commercial Code 9.104 (a) (2) acceptable to, or promulgated by, the Bail Bond Board.
- B. At such property licensee's option, he/she can deposit with the Harris County Treasurer any amount more than such Fifty Thousand dollars (\$50,000.00), as approved by the Board, as additional security.
- C. A corporate licensee with a currently valid certificate of authority or charter from the Texas Insurance Commission is here presumed both financially solvent and within their requirements of sufficient security reserves as they determine each three years.
- D. The Sheriff will accept no bail bonds from any property licensee who fails to maintain the required rations at all times.

- E. Should any property licensee fail to maintain these required security ratios and the Sheriff declines to accept new bonds therefrom, such licensee can tender additional security to qualify for continued operation and, regardless thereof, the matter will be placed upon the next available Board agenda for the Board's consideration, with ten (10) days certified mail notice, to such licensee's main office.
 - F. The Sheriff will accept no bail bonds from any corporate licensee, or agent, whose General Power has expired or has not been properly and timely filed with the clerk with certified copies included within the Board's file. However, limited Powers of Attorney accepted with individual bonds do not alone negate such valid otherwise General Power of Attorney from its establishing liability of the corporate surety here.
8. No agent may execute bonds for any corporate surety unless such agent is individually licensed pursuant to the Bail Bond Act. Such Agent must also be specifically designed in the Surety's license application.
 9. A corporate surety may appoint more than one Agent; however for each such Agent, a separate application must be filed and all requirements of an individual licensee must be met with respect to application fees and security deposits.
 10. Before any designated Agent may execute bonds on behalf of a licensed corporate surety, there must be filed as directed by the Board a General Qualifying Power of Attorney for that Agent. Such power of attorney may be revoked only by timely written notice of the Board.
 11. Each licensee is required to have on file as directed by the Board, a current signature card before they will be permitted to execute bonds.
 12. All licensees must maintain an office in Harris County and must notify the Board within seven (7) days of opening a new office or moving an existing office to a new location. For purposes of these rules, "office" is defined as any location where a licensee conducts bail bond business, maintains business records, employs staff, meets with clients, accepts payment of bonds, and/or installs and maintains an advertised phone number.
 13. No licensee may use a phone number, address or name to advertise or solicit bonds or maintain any separate (sub) offices with separate phone numbers without prior approval by the Board. Further, no licensee, agent or individual may advertise or solicit under an assumed name without being properly licensed by the Board and displaying a valid license number on all advertisements.

If a license is suspended, expired, or otherwise revoked, the person will, under scrutiny by the Board or its designate, cease and refrain from using, or referring from, any and all listed advertising and critical number associated with that license number. This shall go into effect twenty (20) days after the license is suspended, expired, or otherwise revoked. All violators will be subject to penalty under the Bail Bond Act and the Board shall recommend prosecution to the property authority.

14. 13. A. Each licensee or agent who uses an assumed name must submit to the Board a valid assumed Name Certificate or certified copy thereof properly filed with the Harris County Clerk's Office.
- B. In addition, a licensee or agent shall not begin using in his or her 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 may use a similar assumed name for additional licenses.
 2. A licensee or agent may sell an assumed name to another licensee or agent, provided that the licensee or agent selling the assumed name ceases to use the assumed name upon expiration of the first renewal of their license after the sale.
 3. If a license holder dies, the licensee or agent being 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 license holder dies, the license holder's estate may transfer the license holder's assumed name to another licensee or agent.
14. Each licensee or agent who uses an assumed name must submit to the Board a valid assumed Name Certificate or certified copy thereof properly filed with the Harris County Clerk's Office.
15. No person, firm or corporation that is not licensed to make bail bonds may use a phone number, address or advertising of any kind to solicit or refer bond business to a licensee or to any non-licensee. Further, no licensee may use a phone number, address or office of a non-licensee to conduct any bail bond activities.

16. No licensee, agent, representative or employee of a licensee may convey, give or pass anything of any value to any person or entity for referring bail bonds to said licensee.
17. All bail bonds shall be accepted only in the bonding office of the Sheriff of Harris County, Texas (“The Sheriff”).
18. No bond shall be accepted by the Sheriff from a bondsman, bonding company or surety company for the release of a defendant who has been charged for an offense committed in Harris County, unless the surety is duly licensed under the authority of the Board. This does not apply to defendants in the Harris County Jail who are to be tried only in courts other than Harris County courts.
19. The identification card issued to the licensee or agent must be presented to the bonding desk at the time the bail bonds, appearance bonds or appeal bonds are presented.
20. Pursuant to the Texas Open Meetings Act, the Harris County 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 Bail Bond Section no later than 10 days before the Board Meeting at which it is desired to be discussed and acted upon. [Note: This does not apply to New or Renewal Applications. This is covered in Rule. 1.]
21. Identification Cards
 - A. Purpose - the purpose of this Local Rule is to provide for the designation and/or identity of qualified licensees and their designated employees, in order that said persons may present bonds for acceptance, receive persons released on bond from our Sheriff’s Department and to set out the qualifications for issuance of ID Cards.
 - B. Qualifications and Eligibility – Any individual is qualified and eligible to receive a bail bond ID card who meets the following requirements;
 1. Is a resident of Texas and citizen of the United States;
 2. Is at least eighteen (18) years of age;
 3. Is a bona fide Harris County Bail Bond Licensee or an employee of such Licensee;
 4. Who, after 26 August 1973, had not committed an offense for which he is finally convicted anywhere, such offense being any felony or any misdemeanor involving moral turpitude. (Such as but not limited to, keeping a disorderly house, being a common prostitute, being a inmate of house of ill fame, male’s assault on a

female, misdemeanor theft, misappropriation of public funds, abducting a child, and swindling.) (Probably also: seduction/solicitation of a child, burglary of coin operated machine, theft of service, theft by check, shoplifting, unauthorized use of television decoding and interception device, promotion of prostitution, and prostitution). (See: 45 Tex. Jur. 1st 104, section 243).

- C. Application- the applicant should timely complete and deliver to the Harris County Sheriff's Dept. Bonding Division an application for a Bail Bond ID card on the form provided by the Board. Said application shall be signed by the proper licensed bail bondsman.
 - D. Investigation and Issuance of New Card - The Board shall request the Harris County Sheriff's Department to timely investigate all applications to determine whether or not the applicant is qualified under all provisions of this rule. If fully qualified, the Sheriff's Dept. Bonding Division shall issue the ID card to the applicant after signing by the Board's Chairman or Vice Chairman in the Chairman's absence. Should the Sheriff's Dept. Bonding Division determine the applicant is not qualified, all in accordance with this rule, such officer shall write a denial letter, in confidence, to the proposed employee setting out the disqualification in six normal working days.
 - E. Board review - in the event the applicant is held unqualified and has been refused issuance of an ID card, such applicant, with or without aid of his private lawyer, may take an appeal to the Board, by giving notice of appeal, in clear writing, to the Board at any time within thirty (30) days after post mark of the denial letter.

All such appeals will be set for public review on the agenda of the Board at 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 months meeting. The Board shall only consider the qualifications as herein above set out on any appeal.
 - F. Expiration and Renewal of ID cards - an ID card issued under this Local Rule shall expire upon the same date the license it is associated with expires and may not be renewed, without actual reissuance, for periods of twenty four (24) months running with the relevant license where no disqualification has occurred in the interim under the provisions of this Rule.
22. The Board shall direct that the copies of upcoming agendas delivered to all Board members, photocopies of all Board's communications and new licensee

applications material to next-meeting agenda subjects, by at least ten (10) days before such monthly meeting.

23. The Harris County Bail Bond Board will make available at the Sheriff's Department Bonding standardized reporting forms for each county licensee to complete for each license and return them there with each renewal application, and upon specific investigations. Such forms will call for each licensee's reporting of all statutorily required information the Board will supply sample forms for licensee's exact reproduction.
24. If an applicant for new license relies, in part, upon 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.
25. Election of Certain Bail Bond Board Members
 - A. The board shall annually conduct a secret ballot election to elect the members of the board who serve as the representative of licensed bail bond sureties and the representative of the criminal defense attorneys by electing:
 1. A licensed bail bond surety or agent for a corporate surety board member; and
 2. A criminal defense attorney who is practicing in the county.
 - B. Election administration. The election will be administered by the Harris County Sheriff's Office. 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 board member who is a surety or agent for a corporate surety and for the board member who is a criminal defense attorney will be submitted directly to the Bonding Division of the Harris County Sheriff's Office by following the procedure posted on the Harris County Bail Bond Board's website.
 2. Who is eligible to submit a nomination —
 - a. Only those eligible to vote under Local Rule 25(D)(1) are eligible to submit a nomination for the board member who is a surety or agent for a corporate surety.

- b. Only those eligible to vote under Local Rule 25(D)(2) are eligible to submit a nomination for the board member who is a criminal defense attorney.

3. The nomination period —

- a. For 2015 only, the nomination period will begin on Monday, November 23, 2015 and end on Wednesday, November 25, 2015.
- b. For subsequent years, the nomination period will begin on the Tuesday of the November board meeting and will end on the Friday of the same week.

D. Voter eligibility

- 1. 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 to elect the board member who is a surety or agent for a corporate surety.
- 2. Each attorney who has a principal place of business located in the county and who is not legally prohibited from representing criminal defendants in the county is entitled to cast one vote to elect the board member who is a criminal defense attorney. Attorneys must show a copy of their State of Texas Bar Card to vote.

E. Election place and time

- 1. Sureties – The election for the board member who is a surety or agent for a corporate surety shall be held at the Harris County Sheriff’s Office, Bonding Division, from 8 a.m. till 11 a.m. on the morning of the board’s December meeting.
- 2. Attorneys – The election for the board member who is a criminal defense attorney shall be held on the 7th floor of the Harris County Criminal Justice Center from 9 a.m. till 1 p.m. on Tuesday and Wednesday one week before the board’s December meeting.

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 will be allowed.
- 3. No write-in votes will be allowed.

4. The results of the election for both the representative of the licensed bail bond sureties and the representative of the criminal defense attorneys will be announced at the December meeting of the board.

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.

26. All licensed sureties with real property pledged as security for the payment of forfeited Bail Bonds must pay or cause to be paid all ad valorem taxes assessed against the property before delinquency and deliver paid tax receipts, without lien or encumbrance, pertaining to the property to the Harris County Sheriff's Office, Bonding Division, not later than March 31 of each year or give written notice to the Harris County Sheriff's Office, Bonding Division, of the reason the ad valorem taxes against the property have not been paid.