

**BOWIE COUNTY  
BAIL BOND BOARD**

**AMENDED RULES AND  
REGULATIONS**

**ADOPTED AND APPROVED BY THE BOWIE COUNTY BAIL BOND BOARD AT A  
REGULAR MEETING ON THE 5th DAY OF FEBRUARY 2025**

**BOWIE COUNTY BAIL BOND BOARD**  
**AMENDED RULES AND REGULATIONS**  
**TEXARKANA, TEXAS**  
**(EFFECTIVE DATE February 5, 2025)**

PURSUANT to the provisions of Chapter 1704, Texas Occupations Code, the Bowie County Bail Bond Board Rules and Regulations, herein "Rules", are promulgated to govern the giving and making of bail bonds in Bowie County, Texas. Unless noted otherwise, all sections cited herein refer to Chapter 1704 of the Texas Occupations Code.

**DEFINITIONS**

1. "Person" means an individual or corporation;
2. "Bail bond surety" means a person who:
  - (A) executes a bail bond as a surety or courtesy for another person; or
  - (B) for compensation deposits cash to ensure the appearance in court of a person accused of a crime;
3. "Bonding Business" or "bail bond business" means the solicitation, negotiation, or execution of a bail bond by a bail bond surety;
4. "Bail bond" means a cash deposit, or similar deposit or written undertaking, or a bond or other security, given to guarantee the appearance of a defendant in a criminal case.
5. "Board" means the Bowie County Bail Bond Board;
6. "Final judgment" means a judgement that disposes of all issues and parties in a case.

## **ARTICLE I -BAIL BOND BOARD MEMBERSHIP, MEETINGS AND DUTIES**

### **RULE 101-NAME**

Bowie County shall establish a bail bond board known as the "**BOWIE COUNTY BAIL BOND BOARD**," hereinafter "**BOARD**".

### **RULE 102-MEMBERS OF THE BOARD**

The Board shall be composed of the following persons:

1. the Bowie County Sheriff or a designee from his/her office who must be his/her administrator or a deputy sheriff of the rank of at least sergeant;
2. a District Judge of Bowie County having jurisdiction over criminal matters and designated by the Presiding Judge of the administrative judicial district or a designee of the District Judge who is approved by the Presiding Judge;
3. the County Judge of Bowie County, a member of the Bowie County Commissioner's Court designated by the County Judge, or a designee approved by the Commissioner's Court;
4. the Judge of the Bowie County Court at Law having jurisdiction over criminal matters and designated by the Commissioner's Court or a designee of the judge who is approved by the Commissioner's Court;
5. the District Attorney of Bowie County or his/her designee if that person is an Assistant District Attorney;
6. a licensed bail bond surety or agent for a corporate surety in the county elected under Section 1704.0535, or a bail bond surety or agent for a corporate surety licensed in the county who is designated by the elected surety or agent;
7. a Bowie County Justice of the Peace;
8. the Bowie County District Clerk or the clerk's designee;
9. the Board may appoint a presiding judge of a Municipal Court located within the county;
10. the presiding Municipal Judge of the principal city (Texarkana) in a county in which the principal city (Texarkana) designates a presiding judge in its municipal court system or a municipal judge from the system designated by the presiding judge;
11. the Bowie County Treasurer or the treasurer's designee; and

12. a criminal defense attorney practicing within the county and elected by other attorneys whose principal places of business are located in the county and who are not legally prohibited from representing criminal defendants or the designee of the criminal defense attorney.

13. The County Clerk or the County Clerk's designee

An official list of the name and position of each member of the Board shall be provided by the secretary of the Bail Bond Board to all members of the Board and all licensed bail bondsmen in Bowie County. This list shall also include the name and position of any designee or alternate representative. When a change is made of the representation by any board member, notice shall be given to the Secretary of the Bail Bond Board and a new updated list shall be distributed to all board members and bail bondsmen of Bowie County.

#### **RULE 103 - MEETING TIMES**

1. The Board shall hold its initial meeting not later than the 60<sup>th</sup> day after the date the Board is created.

2. The Bowie County Bail Bond Board shall meet:

- (a) at least four times each year during the months of January, April, July and October at the call of the presiding officer; and
- (b) at other times at the call of the presiding officer.

Special meetings may be called at any time in accordance with the Open Meetings Act.

#### **RULE 104 - MEETING LOCATION**

The Board shall meet at the Bi-State Justice Building, 1st Floor, located at 100 North State Line, Texarkana, Texas, unless notice be posted otherwise. A meeting may also be conducted via video conference in accordance with Texas Gov't Code § 551.127

### **RULE 105 -NOTICE OF MEETINGS**

All notices of meetings shall be posted as required by the Open Meetings Act or as otherwise provided by law. The office of the Board shall be the regular office of the member or designee serving as Secretary of the Board, unless notice is posted to the contrary.

### **RULES 106-QUORUM**

Four (4) members of the Board shall constitute a quorum. The Board may take action only on a majority vote of the Board members present. A board member is considered present when physically at the meeting room or when attending the meeting via sound and video teleconference in accordance with Texas Gov't Code § 551.127.

### **RULE 107 - ELECTION AND DUTIES OF PRESIDING OFFICER**

The Board shall initially elect one of its members as Presiding Officer. The initial term shall be until the January meeting of 2020; thereafter, the officers shall serve as hereinafter provided.

The Bowie County Bail Bond Board shall elect a Presiding Officer at the regular January meeting of each year.

The Presiding Officer shall preside over Board meetings.

The Presiding Officer may vote on any board matter.

The Presiding Officer shall designate the Secretary of the Board.

### **RULE 108- ELECTION OF CERTAIN BAIL BOND BOARD MEMBERS**

1. The Board shall annually conduct a secret ballot election to elect the member of the Board who serves as the representative of licensed bail bond sureties and the representative of the criminal defense attorneys by electing:

(a) a licensed bail bond surety or agent for a corporate surety board member; and

(b) a criminal defense attorney who is practicing in the county.

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.
3. Each elected justice of the peace in the county who is not legally prohibited from voting in an election for the purpose is entitled to cast one vote to elect the Board Member who is a justice of the peace.
4. 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.

A list of licensed bondsmen in Bowie County shall comprise the ballot. The licensed bondsman of Bowie County shall elect their representative to the Bowie County Bail Bond Board as follows:

1. Election day is the third Thursday in November of each year.
2. The Bowie County Bail Bond board shall maintain a ballot box between 9:00 A.M. and 4:00P.M. in a designated County Office on election day. The voting will be by secret ballot with ballots provided by the County Clerk's Office. The votes will be canvassed and the results posted by the County Clerk and made available on the County Website.
3. Each county licensee shall vote in person or by having delivered to the County Clerk Vote Registration Office during the above named hours a ballot, accompanied by a sworn, notarized or witnessed statement by the licensee that such ballot represents his/her vote. In the event that such licensee is a corporation, the ballot shall be accompanied by a sworn, notarized or witnessed statement by a legal representative of the corporation that such ballot represents its vote.
4. The licensee receiving a majority of the votes cast will be certified as the winner of the election. If no licensee receives a majority of the votes cast, a run-off election will be conducted within one (1) week on a date determined by the Presiding Officer of the Board, under the same format and procedures. The two (2) licensees that receive the most votes cast in the first election will be the only two (2) candidates on the ballot in the run-off election. The licensee receiving the most number of votes in the run-off election will be certified as the winner.

5. If three (3) or more licensees receive the same number of votes in the first election, and more than any other licensee, then all licensees will be included on the run-off election ballot.
6. If the run-off election also results in a tie, the ~~Chair~~ Presiding Officer of the Bowie County Bail Bond Board will flip a coin in an open meeting. The licensee winning the coin toss will be certified as the winner.
7. The term of office is one (1) year, starting on January 1 and ending December 31 of each year.
8. Should the occasion arise that the bail bondsman representative not be able to serve out his/her term, a replacement shall be elected pursuant to the above process through a called special election within one (1) week after notification of his/her inability to serve.
9. Impeachment of a representative may occur **ONLY** if 2/3 of the licensed bail bondsmen petition the Board calling for a "called special election" based upon lack of performance and/or conduct not conducive to good bail bond business.

#### **RULE 109-POWERS AND DUTIES OF BOARD**

1. ADMINISTRATIVE AUTHORITY. The Board's administrative authority shall include the following:
  - (a) Exercise powers incidental or necessary to the administration of the Chapter;
  - (b) Deposit fees collected under this Chapter in the general fund of the county or in a separate county fund established for this purpose;
  - (c) Supervise and regulate each phase of the bonding business in the county;
  - (d) Adopt and post any rules necessary to implement the Chapter;
  - (e) Conduct hearings and investigations and make determinations relating to the issuance, denial or renewal of licenses;
  - (f) Issue licenses to qualified applicants;
  - (g) Deny licenses to unqualified applicants;
  - (h) Employ persons necessary to assist in board functions; and
  - (i) Conduct board business, including maintaining records and minutes.
2. ENFORCEMENT AUTHORITY. The Board's enforcement authority shall include the following:
  - (a) Enforce the Chapter in the county;
  - (b) Conduct hearings and investigations and make determinations relating to license suspension and revocation;
  - (c) Suspend or revoke a license for a violation of the Chapter or a rule adopted by the Board under the Chapter; and
  - (d) To require a record and transcription of each board proceeding.

The Board-may:

- (a) Compel the appearance before the Board of an applicant or license holder; and
- (b) During a hearing conducted by the Board, administer oaths, examine witnesses, and compel the production of pertinent records and testimony by a license holder or applicant.

3. POSTING OF BOARD RULE OR ACTION. The Board shall post a rule adopted or an action taken by the Board in an appropriate place in the county courthouse for the ten (10) days preceding the date the rule or action takes effect.
4. LICENSED BAIL BOND SURETY LIST. The Board:
  - (a) Shall post in each court in the county having criminal jurisdiction and shall provide to each local official responsible for the detention of prisoners in the county, a current list of each licensed bail bond surety and each licensed agent of a corporate surety in the county.
  - (b) Must display a list of each licensed bail bond surety and each licensed agent of a corporate surety in the county at each location where prisoners are examined, processed or confined.
5. BONDING BUSINESS REPORTS. On request by the Texas Judicial Council, the Board shall file a report with and furnish information to the Council relating to the operation of the bonding business in the county.
6. NOTIFICATION OF LICENSE SUSPENSION OR REVOCATION. The Board shall immediately notify each court and each local official responsible for the detention of prisoners in the county of:
  - (a) The suspension or revocation of a license issued under the Chapter; and
  - (b) The revocation of the authority of a license holder's agent.
7. NOTIFICATION OF DEFAULT BY CORPORATION. The Board shall promptly notify the Texas Department of Insurance if a corporation fails to pay a judgment of forfeiture, as provided by Section 1704.204(a) of the Texas Occupation Code.
8. SOLICITATION AND ADVERTISEMENT.



A. The Board may, by rule, regulate solicitations or advertisements by or on behalf of bail bond sureties to protect:

(1) the public from:

- (a) harassment;
- (b) fraud;
- (c) misrepresentation; or
- (d) threats to public safety; or

(2) the safety of law enforcement officers.

C. This section does not apply to a solicitation or unsolicited contact related to a Class C misdemeanor.

9. ADVERTISING LOCATION. No bondsman (licensed or exempt), employee of a bondsman or any person shall advertise in any manner or through any instrument or device, on the property of or in any building where prisoners are processed or confined, including but not limited to the posting or distribution of personal or professional business cards or matches, the carrying of a clipboard or briefcase with advertising attached or the wearing of any distinctive clothes or hats. The Sheriff of Bowie County shall set guidelines, control and regulate all matters pertaining to advertising in and around the Bowie County Jail facility and other locations under his control at his discretion. Complaints or violations shall be reported to the Sheriff. The Board will not have any authority to receive or consider any complaint or violation regarding this particular matter. See Rule 604 which discusses advertising prohibitions but is not as detailed.

10. TELEPHONE DIRECTORY ADVERTISING. Telephone directory advertising for licensees shall be listed in the proper name of the licensee and may contain assumed or corporate names. **The license number issued to the licensee shall be contained in the advertisement.** No person, persons or company may advertise as a bonding company if they are not licensed by the Board.

11. DISBURSEMENTS FROM COUNTY FUNDS.

(a) Fees deposited in the general fund of a county or in a separate county fund under Section 1704.101(2) may be used only to administer and enforce this chapter, including reimbursement for:

- (1) reasonable expenses incurred by the Board in enforcing this chapter; and
- (2) actual expenses incurred by a Board Member in serving on the Board.

(b) For purposes of this section, serving on the Board is an additional duty of a Board Member's office. A Board Member may not receive compensation for serving on the Board.

**RULE 110-REGULATION OF PROCEEDINGS**

All proceedings not governed by specific statutory provision or rule of this Board shall be conducted in accordance with ROBERT'S RULES OF ORDER and the presiding officer shall be EX-OFFICIO PARLIAMENTARIAN. Referring to Rule 107(6), the CHAIR shall utilize the services of the appointed PARLIAMENTARIAN when in attendance of the scheduled meetings.

**ARTICLE II -BONDSMAN LICENSING**

**RULE 201 - REQUIRED**

Except as provided by Section 1704.163, a person may not act as a bail bond surety or as an agent for a corporate surety in Bowie County unless the person holds a license issued under this chapter by the Board.

**RULE 202- ELIGIBILITY**

1. To be eligible for a license under this chapter, an individual, including an agent designated by a corporation in an application, must:

- (a) be a resident of this state and a citizen of the United States;
- (b) be at least 18 years of age;
- (c) possess the financial resources required to comply with Section 1704. 160, unless the individual is acting only as agent for a corporation holding a license under this chapter; and

(d) submit documentary evidence that, in the two years preceding the date a license application is filed, the individual:

- (1) has been continuously employed by a person licensed under this chapter for at least one year and for not less than 30 hours per week, excluding annual leave, and has performed duties that encompass all phases of the bonding business; and
- (2) completed in person at least eight hours of continuing legal education in criminal law courses or bail bond law courses that are approved by the State Bar of Texas and that are offered by an accredited institution of higher education in the state.

2. To be eligible for a license under this chapter, a corporation must be:

- (a) chartered or admitted to do business in this state; and
- (b) qualified to write fidelity, guaranty, and surety bonds under the Insurance Code.

3. Subsection 1. (d) does not apply to the issuance of an original license:

- (a) in a county before the first anniversary of the date a board is created in the county; or
- (b) to an individual who applies to operate the bail bond business of a license holder who has died if the individual is related to the decedent within the first degree by consanguinity or is the decedent's surviving spouse.

### **RULE 203 - INELIGIBILITY BECAUSE OF CRIMINAL CONVICTION**

A person is not eligible for a license under this chapter if, after August 27, 1973, the person commits and is finally convicted of a misdemeanor involving moral turpitude or a felony.

### **RULE 204- APPLICATION REQUIREMENTS**

1. To be licensed under this chapter, a person must apply for a license by filing a sworn application with the Board.

2. The application must:

- (a) be in a form and contain the information prescribed by the board;
- (b) state:

- (1) the applicant's name, age, and address;
- (2) if the applicant is a corporation, whether the applicant is:

- (i) chartered or admitted to do business in this state; and
- (ii) qualified to write fidelity, guaranty, and surety bonds under the Insurance Code;

- (3) the name under which the bail bond business will be conducted, including a bail bond business that is conducted by an agent of a corporation;
- (4) each place, including the street address and municipality, at which the business will be conducted; and
- (5) the amount of cash or the cash value of a certificate of deposit or cashier's check that the applicant intends to deposit with the county treasurer if the applicant's application is approved or, if the applicant is an individual intending to execute nonexempt real property in trust to the board, the value of the real property;

(c) if the applicant is an individual, be accompanied by a list, as required by Section 1704.155, of nonexempt real property owned by the applicant that the applicant intends to execute in trust to the Board if the applicant's application is approved; and

(d) be accompanied by:

- (1) the applicant's complete, sworn financial statement;
- (2) the applicant's declaration that the applicant will comply with this chapter and the rules adopted by the Board;
- (3) three letters of recommendation, each from a person who:
  - (i) is reputable; and
  - (ii) has known the applicant or, if the applicant is a corporation, the agent designated by the corporation in the application for at least three years;
- (4) a \$500 filing fee;
- (5) a photograph of the applicant or, if the applicant is a corporation, of the agent designated by the corporation in the application;
- (6) a set of fingerprints of the applicant or, if the applicant is a corporation, of the agent designated by the corporation in the application taken by a law enforcement officer designated by the Board;
- (7) if the applicant is or has been licensed under this chapter in another county:
  - (i) a list of each county in which the applicant holds a license; and
  - (ii) a statement by the applicant, as of the date of the application, of any final judgments that have been unpaid for more than 30 days and that arose directly or indirectly from a bail bond executed by the applicant as a surety or as an agent for a surety; and
- (8) if the applicant is a corporation, a statement by the designated agent, as of the date of the application, of any final judgments that have been unpaid for more than 30 days and that arose directly or indirectly from any bond executed by the agent as a surety or as an agent for a surety.

3. A letter of recommendation submitted under Subsection 2. (d)(3) must:

- (a) state that the applicant or, if the applicant is a corporation, the agent designated by the corporation in the application has a reputation for honesty, truthfulness, fair dealing, and competency; and
  - (b) recommend that the Board issue the license.
- 4. Until payment of the final judgment, an unpaid final judgment disclosed under Subsection 2.(d)(7)(ii) or 2.(d)(8) bars licensure for the applicant unless the applicant has deposited with the court cash or a supersedeas bond in the amount of the final judgment pending:
  - (a) a ruling on a timely filed motion for a new trial; or
  - (b) an appeal.
- 5. A corporation must file a separate corporate application for each agent the corporation designates in the county.

#### **RULE 205 - REAL PROPERTY LIST**

A list of nonexempt real property required under Section 1704.154(b)(3) must, for each parcel listed, include:

- (a) a legal description of the property that would be sufficient to convey the property by general warranty deed;
- (b) a current statement from each taxing unit authorized to impose taxes on the property showing that there is no outstanding tax lien against the property;
- (c) at the option of the applicant, either the property's:
  - (1) net value according to a current appraisal made by a real estate appraiser who is a member in good standing of a nationally recognized professional appraiser society or trade organization that has an established code of ethics, educational program, and professional certification program; or
  - (2) value according to a statement from the county from the county's most recent certified tax appraisal roll;
- (d) a statement by the applicant that, while the property remains in trust, the applicant:
  - (1) agrees to pay the taxes on the property;
  - (2) will not further encumber the property unless the applicant notifies the board of the applicant's intent to encumber the property and the board permits the encumbrance; and
  - (3) agrees to maintain insurance on any improvements on the property against damage or destruction in the full amount of the value claimed for the improvements;

- (e) a statement of whether the applicant is married; and
- (f) if the applicant is married, a sworn statement from the applicant's spouse agreeing to transfer to the Board, as a part of the trust, any right, title, or interest that the spouse may have in the property.

#### **RULE 206 - REAPPRAISAL OF REAL PROPERTY**

1. An appraisal district may not reappraise real property solely because the property owner is a license holder or an applicant for a license under this chapter.
2. An appraisal district is not prohibited from reappraising real property in connection with the appraisal of real property in the same general area or if the reappraisal is requested by the Board, a license holder, or an applicant for a license.

#### **RULE 207 - PRELIMINARY DETERMINATIONS**

Before a hearing on an application, the Board or the Board's authorized representative shall determine whether the applicant:

- (1) possesses the financial resources to comply with Section 1704.160; and
- (2) satisfies the other requirements of this Chapter.

#### **RULE 208 HEARING ON APPLICATION**

1. After making the determinations required by Section 1704.157, the Board shall conduct a hearing on the application.
2. During the hearing:
  - (a) the Board may submit to the applicant or the applicant's agent any questions relevant to the Board's decision on the application; and
  - (b) the applicant may present oral and documentary evidence.

#### **RULE 209 - BONDSMAN APPEARANCE**

Each applicant shall be notified by the **SECRETARY** to appear in person before the Board on the date his/her application is to be considered to respond to such questions as may be necessary for the Board to make its decision on the application.

## **RULE 210 -NEW AND RENEWAL APPLICATION CONSIDERATION**

Application shall be received and considered at the next regular meeting after the expiration of thirty (30) days of receipt, to allow sufficient time for a preliminary determination of the application. The thirty (30) day requirement may be extended by the Board if necessary.

## **RULE 211-DECISION ON APPLICATION; BOARD ORDER**

1. After the hearing under Section 1704.158, the Board shall enter an order conditionally approving the application unless the Board determines that a ground exists to deny the application. If the Board determines that a ground exists to deny the application, the Board shall enter an order denying the application.

2. An order issued under Subsection 1. conditionally approving an application becomes final on the date the applicant complies with the security requirements of Section 1704.160.

3. The Board shall give written notice to an applicant of the Board's decision on the application.

## **RULE 212 - SECURITY REQUIRMENTS**

1. Upon notice from the Board, under Section 1704.159, that an application has been conditionally approved, the applicant, not later than the 90th day after the date of receipt of the notice, must:

(a) if the applicant is an individual:

(1) subject to section 2., deposit with the County Treasurer, a cashier's check, certificate of deposit or cash in the amount stated on the application under Section 1704.154(b)(2)(E); or

(2) subject to Sections 3.-6., execute in trust to the Board each deed to the property listed on the application under Section 1704.154(b)(3); or

(b) if the applicant is a corporation, subject to Section 2., deposit with the County Treasurer a cashier's check, certificate of deposit or cash in the amount stated on the application under Section 1704.154(b) (2)(E).

2. A deposit made under Subsection 1 (a)(1) or 1 (b) may not be less than \$50,000.00. A corporation must make a separate deposit for each license granted to it in a county. A deposit shall be placed in a fund known as a bail security fund.
3. At the option of the applicant, the property executed in trust under Subsection 1. (a)(2) must be valued in the amount indicated by:
  - (a) an appraisal by a real estate appraiser who is a member in good standing of a nationally recognized professional appraiser society or trade organization that has an established code of ethics, educational program, and professional certification program; or
  - (b) the county's most recent certified tax appraisal roll.
4. The total value of the property executed in trust under Subsection 1.(a)(2) may not be less than \$50,000.00.
5. A trust created under Subsection 1.(a)(2) is subject to the condition that the property executed in trust may, after notice is provided and under the conditions required by the Code of Criminal Procedure, be sold to satisfy a final judgment on a forfeiture on a bail bond executed by the applicant.
6. If an applicant is married, the applicant's spouse must execute each deed of trust under Subsection 1. (a)(2) that involves community property.
7. The Board shall file each deed of trust in the records of each county in which the property is located. The applicant shall pay the filing fee.
8. The certificate of authority to do business in this state issued under Section 861.102, Insurance Code, to an applicant that is a corporation is conclusive evidence of:
  - (a) the sufficiency of the applicant's security; and
  - (b) the applicant's solvency and credits.
9. A license holder must maintain the amount of security required by this rule during the time the person hold the license.



## **RULE 213 – LICENSE FORM**

1. Each license issued under this chapter must show on its face the license expiration date and the license number.
2. The same license number must appear on each subsequent renewal license.

## **RULE 214 -LICENSE EXPIRATION AND RENEWAL**

1. A license issued or renewed under the Chapter expires on the second anniversary after the date the license is issued or is to expire, as appropriate, if the license:
  - (a) has been issued for less than eight (8) consecutive years; or
  - (b) has been suspended.
2. To renew a license, a license holder must file with the Board an application for renewal not later than the 31st day before the license expiration date.
3. An application for renewal must comply with the requirements for an original license application under Section 1704.154, including the \$500 filing fee requirement.
4. The Board shall approve an application for renewal if:
  - (a) the applicant's current license is not suspended or revoked;
  - (b) the application complies with the requirements of the Chapter; and
  - (c) the Board does not determine that a ground exists to deny the application.
5. The Board may disapprove an application only by entering an order.
6. A person who applies to renew a License that has been held by the person for at least eight (8) consecutive years without having been suspended or revoked under the Chapter and who complies with the requirements of the Chapter, may renew the license for a period of 36 months from the date of expiration if the Board:
  - (a) knows of no legal reason why the license should not be renewed; and
  - (b) determines that the applicant has submitted an annual financial report to each county bail bond board before the anniversary date of the issuance of the applicant's license.

7. A license renewed under Subsection 6., may be renewed subsequently each 36 months in a similar manner.

8. Notwithstanding the expiration date of a license issued under this Chapter, if the Board tables a license holder's application for renewal or otherwise does not take action to approve or deny the application, the applicant's current license continues in effect until the next meeting of the Board.

#### **RULE 215 -ATTORNEY EXEMPTION**

1. Except as provided by this section, a person not licensed under the Chapter may execute a bail bond or act as a surety for another person in any county in this state if the person:

(a) is licensed to practice law in this state; and

(b) at the time the bond is executed or the person acts as a surety, files a notice of appearance as counsel of record in the criminal case for which the bond was executed or surety provided or submits proof that the person has previously filed with the court in which the criminal case is pending the notice of appearance as counsel of record.

2. A person executing a bail bond or acting as a surety under this section may not engage in conduct involved with that practice that would subject a bail bond surety to license suspension or revocation. If the Board determines that a person has violated this subsection, the Board may suspend or revoke the person's authorization to post a bond under this Section or may bar the person from executing a bail bond or acting as a surety under this Section until the person has remedied the violation.

3. A person executing a bail bond or acting as a surety under this section is not relieved of liability on the bond solely because the person is later replaced as attorney of record in the criminal case.

## **ARTICLE III- BONDING BUSINESS**

### **RULE 301- ACCEPTANCE OF LICENSE HOLDER BAIL BONDS**

A Sheriff shall accept or approve a bail bond executed by a license holder in the county in which the license holder is licensed if:

- (1) the bond is for a county or district case;
- (2) the bond is executed in accordance with the Chapter and the Rules adopted by the Board; and
- (3) a bail bond is required as a condition of release of the defendant for whom the bond is executed.

### **RULE 302- RECORD REQUIREMENTS**

1. A license holder shall maintain:

- (a) a record of each bail bond executed by the license holder; and
- (b) a separate set of records for each county in which the license holder is licensed.

2. The records required to be maintained under this section must include for each bail bond executed and enforced:

- (a) the style and number of the case and the court in which the bond is executed;
- (b) the name of the defendant released on bond;
- (c) the amount of bail set in the case;
- (d) the amount and type of security held by the license holder; and
- (e) a statement of:

(1) whether the security held by the license holder is:

- (A) for the payment of a bail bond fee; or
- (B) to assure the principal's appearance in court; and

(2) the conditions under which the security will be returned.

3. The records required under this section shall be:

- (a) made available for inspection and copying on demand by the Board or an authorized representative of the Board, at the Board's expense;
- (b) maintained at the license holder's office location in the county; and
- (c) maintained for not less than four (4) years after the conclusion of the case for which the bond was given.

### **RULE 303-BAIL BOND LIMIT; ADDITIONAL SECURITY**

It is the intent of this Board to adopt the provisions set forth in Section 1704.203 which regulate the bail bond limits imposed upon bondsmen. Those provisions are more particularly set forth as follows:

1. Except as provided by Rule 403.4, a license holder who holds a license originally issued before September 1, 1999, may not execute, and a person may not accept from the license holder, a bail bond that, in the aggregate with other bail bonds executed by the license holder in that county, results in a total amount that exceeds 10 times the value of the security deposited or executed by the license holder under Section 1704.160 of the Chapter.
2. A county officer or an employee designated by the Board shall maintain for each license holder the total amount of the license holder's current liability on bail bonds.
3. A license holder may not execute a bail bond if the amount of the license holder's current total liability on judgments nisi in Bowie County equals or exceeds twice the amount of security deposited or executed by the license holder under Section 1704.160 of the Chapter.
4. A license holder, at any time, may increase the limits prescribed by this section by depositing or executing additional security.
5. This section does not apply to a license holder that is a corporation.
6. A bail bond surety who holds a license originally issued on or after September 1, 1999, and who:

(a) has been licensed for fewer than two (2) years or has had a license under the Chapter suspended or revoked may not execute, and a person may not accept from the license holder, bail bonds that in the aggregate exceed 10 times the value of property held as security under Section 1704.160(a)(1)(A) plus five (5) times the value of property held in trust under Section 1704.160(a)(1)(B);

(b) has been licensed for at least two (2) years and fewer than four (4) years may not execute, and a person may not accept from the license holder, bail bonds that in the aggregate exceed .10 times the value of property held as security under Section 1704.160(a)(1)(A) plus six (6) times the value of property held in trust under Section 1704.160(a)(1)(B);

(c) has been licensed for at least four (4) years and fewer than six (6) years may not executed, and a person may not accept from the license holder, bail bonds that in the aggregate exceed 10 times the value of property held as security under Section 1704.160(a)(1)(A) plus eight times the value of property held in trust under Section 1704.160(a)(1)(B); or

(d) has been licensed for at least six (6) years may not execute, and a person may not accept from the license holder, bail bonds that in the aggregate exceed 10 times the value of property held as security under Section 1704.160(a)(1)(A) plus 10 times the value of property held in trust under Section 1704.160(a)(1)(B).

7. If a ~~bondsman~~ bail bond surety is covered by 6(a) of this section because the ~~bondsman~~ person has had a license under this Act Chapter suspended or revoked and is also covered by 6(b), (c), or (d), the prohibition imposed by 6(a) controls.

#### **RULE 304-PAYMENT OF FINAL JUDGMENT**

1. A person shall pay a final judgment on a forfeiture of a bail bond executed by the person not later than the 31st day after the date of the final judgment unless a timely motion for a new trial has been filed. If a timely motion for a new trial or a notice of appeal has been filed, the person shall:

(a) pay the judgment not later than the 31st day after the date the motion is overruled, if the motion is overruled; or

(b) deposit with the court cash or a supersedeas bond in the amount of the final judgment, if an appeal is filed.

2. If a license holder fails to pay a final judgment as required by Subsection 1, the judgment shall be paid from the security deposited or executed by the license holder under Section 1704.160 of the Chapter.

**RULE 305 - BAIL BOND SETTLEMENT** Before a final judgment on a forfeiture of a bail bond:

1. the prosecuting attorney may recommend to the court a settlement in an amount less than the amount stated in the bond; or
2. the court may, on its own motion, approve a settlement.

### **RULE 306 - REPLACEMENT OF SECURITY**

If a final judgment on a forfeiture of a bail bond is paid from the security deposited or executed by a license holder under Section 1704.160, the license holder shall deposit or execute additional security in an amount sufficient to comply with that section.

### **RULE 307- SURRENDER OF PRINCIPAL; CONTEST**

1. A person executing a bail bond may surrender the principal for whom the bond is executed by:

(a) if the principal is represented by an attorney, notifying the principal's attorney of the person's intention to surrender the principal in a manner provided by Rule 21a, Texas Rules of Civil Procedure; and  
(b) filing an affidavit with the court or magistrate before which the prosecution is pending that states:

- (1) the person 's intention to surrender the principal;
- (2) the court and cause number of the case;
- (3) the name of the defendant;
- (4) the offense with which the defendant is charged;
- (5) the date of the bond;
- (6) the reason for the intended surrender; and
- (7) that notice of the person's intention to surrender the principal has been provided as required by this subsection.

2. If a principal is surrendered under Subsection 1 and the principal, or an attorney representing the state or an accused in the case determines that a reason for the surrender was without reasonable cause, the person may contest the surrender in the court that authorized the surrender.

3. If the court finds that a contested surrender was without reasonable cause, the court may require the person who executed the bond to refund to the principal all or part of the fees paid for

execution of the bond. The court shall identify the fees paid to induce the person to execute the bond regardless of whether the fees are described as fees for execution of the bond.

#### **RULE 308 -BOND LIABILITY**

1. A person executing a bail bond is relieved of liability on the bond on the date of disposition of the case for which the bond is executed.
2. For purposes of this section, disposition of a case occurs on the date the case is dismissed or the principal is acquitted or convicted.

#### **RULE 309 - BOND DISCHARGED ON APPEAL**

1. A bail bond shall be discharged if:
  - (a) the principal appeals the case for which the bond is executed; and
  - (b) the person who executed the bond does not agree to continue during the appeal as surety.
2. A court may not require a person who executes a bail bond to continue as surety while the principal appeals the case for which the bond is executed unless the person agrees to continue during the appeal as surety.
3. This section does not prohibit a principal from obtaining an appeal bond under the Code of Criminal Procedure.
4. This section prevails over any provision contained in the bail bond.

#### **RULE 310 - WITHDRAWAL OF SECURITY**

1. A license holder may withdraw the security or a portion of the security deposited or executed under Section 1704.160, and the security shall be returned to the license holder or the license holder's heirs or assigns, if the person requesting the withdrawal is:
  - (a) a license holder in good standing and the amount of the security remaining after the withdrawal is:
    - (1) at least the minimum amount required by Section 1704.160; and

(2) an amount sufficient to maintain the ratios required by Section 1704.203; or

(b)a former license holder who has ceased to engage in the bonding business, or a former license holder's heir or assign, and the amount of security remaining after the withdrawal is sufficient to:

(1) pay any outstanding judgments; and

(2) secure any unexplained obligation on a bail bond executed by the former license holder.

2. The Board may adopt rules to limit the number of times in a year security may be returned to license holder under this section.

### **RULE 311- CORPORATE POWER OF ATTORNEY**

1. A corporation shall, before executing any bail bond, file with the County Clerk of the county in which the corporation intends to execute the bond, a power of attorney designating an agent of the corporation authorized to execute bail bonds on behalf of the corporation.

2. An agent designated by a power of attorney under Subsection 1 for a corporation holding a license under the Chapter must be designated by the corporation in the corporation's application for a license.

3. An agent designated by a power of attorney under Subsection 1 is not required under the Chapter to obtain a general property and casualty agent license under Chapter 4051, Insurance Code.

4. A corporation may limit the authority of agent designated under Subsection 1 by specifying the limitation in the power of attorney that is filed with the county clerk and the Board.

### **RULE 312- EFFECT OF DEFAULT BY CORPORATION; NOTICE REQUIRED**

1. A corporation may not act as a bail bond surety in a county in which the corporation is in default on five (5) or more bail bonds.



2. If a corporation defaults on a bail bond, the Clerk of the Court in which the corporation executed the bond shall deliver a written notice of the default to:

- (a) the Sheriff;
- (b) the Chief of Police; or
- (c) another appropriate peace officer.

3. For purposes of this section:

- (a) a corporation is considered in default on a bail bond beginning on the 11th day after the date the trial court enters a final judgment on the scire facias and ending on the date the judgment is satisfied, set aside or superseded; and
- (b) a corporation is not considered in default on a bail bond if, pending appeal, the corporation deposits cash or a supersedeas bond in the amount of the final judgment with the court in which the bond is executed.

4. A deposit made under Subsection 3(b) shall be applied to the payment of a final judgment in the case.

### **RULE 313- OFFICE LOCATION**

1. A license holder shall maintain an office in the county in which the license holder holds a license.

2. 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.

## **ARTICLE IV- COMPLAINTS**

### **RULE 401 -FILING A COMPLAINT**

The Secretary of the Board is designated as the agent of the Board for the receipt of complaints.

### **RULE 402-PROCESSING A COMPLAINT**

Upon receipt of a complaint, the Secretary shall send a copy to each member of the Board. The Board shall consider said complaint at the next regularly scheduled meeting of the Board,

*unless* considered earlier at a special or emergency session called by the Chair of the Board, and shall make such orders as it deems appropriate respecting the investigation and prosecution of said complaint.

#### **RULE 403-NOTICE OF COMPLAINT**

The Secretary shall give notice to the accused licensee by certified mail, return receipt requested, at least ten (10) days prior to the date of a hearing on the complaint. The notice shall specify the charges of the violation made against the licensee, and the hearing shall be limited to those charges.

#### **RULE 404- DISQUALIFICATION**

If the complaint relates to a licensee who is a member of the board, said licensee shall be disqualified as a member of the Board to consider said complaint. The Chair shall call a special session of the Board as soon as practicable for the purpose of election, by a majority of the licensees present at said meeting, of a licensee to serve as a member of the Board in place and stead of the licensee Board member complained against.

#### **RULE 405 -SUBPOENAS**

The Board vests authority to issue subpoenas upon the request of an interested person in the Presiding Officer of the Board.

### **ARTICLE VI-ENFORCEMENT PROVISIONS**

#### **RULE 501- INVESTIGATION**

1. The Board, on its own motion, may investigate an action of or a record maintained by a license holder that relates to a complaint that the license holder has violated this chapter.
2. The board shall investigate an action of or a record maintained by a license holder if:
  - (a) the Board receives a sworn complaint providing reasonable cause to believe that a violation of this chapter has occurred; or
  - (b) a court requests an investigation.

## **RULE 502 - DISCRETIONARY LICENSE SUSPENSION OR REVOCATION:**

**GROUND.** After notice and hearing, the Board may revoke or suspend a license if the license holder:

1. violates the Chapter or a rule adopted by the Board under the Chapter;
2. fraudulently obtains a license under the Chapter;
3. makes a false statement or misrepresentation:
  - (a) in an application for an original or renewal license; or
  - (b) during a hearing conducted by the board;
4. refuses to answer a question submitted by the Board during a hearing relating to the license holder's license, conduct, or qualifications;
5. is finally convicted under the laws of this state, another state, or the United States of an offense that:
  - (a) is a misdemeanor involving moral turpitude or a felony; and
  - (b) is committed after August 27, 1973;
6. is found by a court to be bankrupt or is insolvent;
7. is found by a court to be mentally incompetent;
8. fails to pay a judgment in accordance with Section 1704.204;
9. pays commissions or fees to or divides commissions or fees with, or offers to pay commissions or fees to or divide commissions or fees with, a person or business entity not licensed under this Chapter;
10. solicits bonding business in a building in which prisoners are processed or confined;
11. recommends to a client the employment of a particular attorney or law firm in a criminal case;
12. falsifies or fails to maintain a record required under the Chapter;
13. fails to promptly permit the Board, or a representative or an agent of the Board, of the county in which the license holder is licensed to inspect a record required under the Chapter;
14. acts as a bail bond surety under a suspended or expired license;

15. fails two (2) or more times to maintain the amount of security required by Section 1704.160; or

16. misrepresents to an official or an employee of the official the amount for which the license holder may execute a bail bond for purposes of obtaining the release of a person on bond.

**RULE 503 - MANDATORY LICENSE SUSPENSION OR REVOCATION:**

**GROUND**

1. The Board shall immediately suspend a license if the license holder fails to maintain the amount of security required by Section 1704.160. The Board is not required to provide notice or a hearing before suspending a license under this subsection. A license suspended under this subsection shall be immediately reinstated if the license holder deposits or executes the amount of security required by Section 1704.160.

2. After notice and hearing as provided by Section 1704.254, the Board shall revoke a license if:

- (a) the license holder fails to pay a judgment in accordance with Section 1704.204; and
- (b) the amount of security maintained by the license holder under Section 1704.160 is insufficient to pay the judgment.

**RULE 504 - FAILURE TO PAY FINAL JUDGMENT BY BAIL BOND SURETY**

1. The Board or its authorized representative shall immediately notify the sheriff if a bail bond surety fails to pay a final judgment of forfeiture as provided by Section 1704.204(a).

2. After receiving notification, the sheriff may not accept any bonds from the bail bond surety until the surety pays the judgment.

3. The bail bond surety's privilege to post bonds is reinstated when the bail bond surety pays the judgment.

4. The Board is not required to provide notice or a hearing before making the notification required by this section.

### **RULE 505-NOTICE AND HEARING**

1. Notice of a hearing to suspend or revoke a license under this chapter must:
  - (a) be sent by certified mail to the last known address of the license holder not later than the 11th day before the date of the hearing;
  - (b) state each alleged violation of this Chapter; and
  - (c) include a copy of any written complaint on which the hearing will be based.
2. The hearing is limited to each alleged violation stated in the notice.
3. During the hearing, the license holder:
  - (a) is entitled to an opportunity to be heard; and
  - (b) may present and cross-examine witnesses.
4. The hearing must be recorded. A license holder may obtain a copy of the record on request and payment of the reasonable costs of transcription.

### **RULE 506-APPEAL: VENUE**

1. An applicant or a license holder may appeal an order of the Board denying an application for a license or renewal of a license, or suspending or revoking a license, by filing a petition in a District Court in the county not later than the 30th day after the date the person receives notice of the denial, suspension, or revocation.
2. An appeal filed under this section is an action against the Board. An applicant or a license holder may not bring the action against an individual board member.
3. The Board may not assert a reason on appeal for an action by the Board that differs the reasons specified in the Board's notice of hearing under Section 1704.254.

### **RULE 507-STANDARD OF JUDICIAL REVIEW**

Judicial review of an appeal filed under Section 1704.255 is by trial de novo in the same manner as an appeal from a justice court to a county court.

## **RULE 508-EFFECT OF BOARD ORDER**

1. A Board order denying an application for a license or renewal of a license, or suspending or revoking a license, becomes final on the 31<sup>st</sup> day after the date the applicant or license holder receives notice of the order unless the applicant or license holder files an appeal under Section 1704.255.
2. A Board order appealed under Section 1704.255 has full force and effect pending determination of the appeal.

## **ARTICLE VII -PROHIBITED CONDUCT AND CRIMINAL PENALTIES**

### **RULE 601 – RETURN OF SECURITY**

A bail bond surety may not hold security for the payment of a bail bond fee ~~and~~ or to assure the principal's appearance in court for more than 30 days after the date on which the owner of the security:

- (1) requests return of the security in writing; and
- (2) submits to the bail bond surety written evidence of the conclusion of:
  - (A) the payment agreement; or
  - (B) all of the criminal cases for which the security was given.

### **RULE 602 - PROHIBITED REFERRALS OF OR EMPLOYMENTS WITH BONDING BUSINESS: OFFENSE**

1. A person in the bonding business may not directly or indirectly give, donate, lend, or contribute, or promise to give, donate, lend, or contribute, money or property to an attorney, police officer, sheriff, deputy, constable, jailer, or employee of a law enforcement agency for the referral of bonding business.
2. A person may not accept or receive from a license holder money, property, or any other thing of value as payment for the referral of bonding business unless the records of the Board show that the person is an agent or employee of the license holder.

3. 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.

4. A person commits an offense if the person violates this section. An offense under this section is a Class A misdemeanor.

#### **RULE 603 -BAIL BOND SURETY ACTIVITY: OFFENSE**

1. A person required to be licensed under this chapter may not execute a bail bond unless the person holds a license issued under the Chapter.

2. A person may not advertise as a bail bond surety in a county unless the person holds a license issued under the Chapter by a bail bond board in that county. A person does not violate this subsection if the person places an advertisement that appears in more than one county and:

(a) the advertisement clearly indicates the county or counties in which the person holds a license issued under the Chapter; and

(b) any local telephone number in the advertisement is a local number only for a county in which the person holds a license issued under the Chapter.

3. A person commits an offense if the person violates this section. An offense under this section is a Class B misdemeanor.

#### **RULE 604 - PROHIBITED RECOMMENDATIONS OR SOLICITATIONS: OFFENSE**

1. A bail bond surety or an agent of a bail bond surety may not recommend or suggest to a person for whom the bail bond surety executes a bond the employment of an attorney or law firm in connection with a criminal offense.

2. The following persons may not recommend a particular bail bond surety to another person:

(a) a police officer, sheriff, or deputy;

(b) a constable, jailer, or employee of a law enforcement agency;

(c) a judge or employee of a court;

(d) another public official; or

(e) an employee of a related agency.

3. A bail bond surety or an agent of a bail bond surety may not solicit bonding business in a police station, jail, prison, detention facility, or other place of detainment for persons in the custody of law enforcement.

4. A person may not place a device in a place of detention, confinement, or imprisonment that dispenses a bail bond in exchange for a fee.

5. A person commits an offense if the person violates this section. An offense under this section is a Class B misdemeanor.

#### **RULE 605 -BAIL BOND RECEIPT AND INSPECTION: OFFENSE**

1. A bail bond surety or an agent of a bail bond surety may not receive money or other consideration or thing of value from a person for whom the bail bond surety executes a bond unless the bail bond surety or agent issues a receipt to the person as provided by Subsection 2.

2. The receipt must state:

- (a) the name of the person who pays the money or transfers the consolidation or thing of value;
- (b) the amount of money paid or the estimated amount of value transferred;
- (c) if the person transfers consideration or a thing of value, a brief description of the consideration or thing of value;
- (d) the style and number of the case and the court in which the bond is executed; and
- (e) the name of the person receiving the money, consideration, or thing of value.

3. A bail bond surety or an agent of a bail bond surety shall retain a duplicate copy of a receipt issued under Subsection 1. The copy of the receipt shall be made available for inspection by:

- (a) a representative of the Board in any county in which the bail bond surety is licensed; and
- (b) an appointed representative of a court in which the bail bond surety agrees to execute bail bonds.

4. A person commits an offense if the person violates this section. An offense under this section is a Class B misdemeanor.



### **RULE 606-RECORDS: OFFENSE**

1. A person commits an offense if the person falsifies a record required to be maintained under this chapter.
2. An offense under this section is a Class B misdemeanor.

### **ARTICLE VII – MISCELLANEOUS**

#### **RULE 701 - BONDSMAN SERVICES REQUEST FORM**

The law enforcement agencies of Bowie County shall be supplied with forms prepared by the Board to be used by the Defendant in requesting the services of any bondsman. The said forms shall include the name of the bondsman and the manner in which the defendant became aware of the services of the bondsman and shall be signed by the defendant and the bondsman. These forms shall be forwarded to the inmate's file and may be reviewed before renewal licenses are issued. The form provided by the Bowie County Jail can be used for the same purpose as described above.

#### **RULE 702 - EFFECTIVE DATE**

The Rules and any amendments shall be effective ten (10) days, or date certain after the expiration of ten (10) days, after being approved and posted by the Board.

#### **RULE 703 - SEVERABILITY**

If any provisions of these Rules and Regulations or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect either provisions or applications of the Rules which can be given effect without the invalid provision or application, and to this end, the provisions or the Rules are declared severable.

#### **RULE 704- CONFORMITY CLAUSE**

It is the purpose of the rules to conform in their entirety with Chapter 1704 of the Texas Occupations Code. If there be any conflicts between the Rules and the Chapter, the Chapter shall control.

*Rules modified and adopted on February 5, 2025 by a vote of those present and voting.*