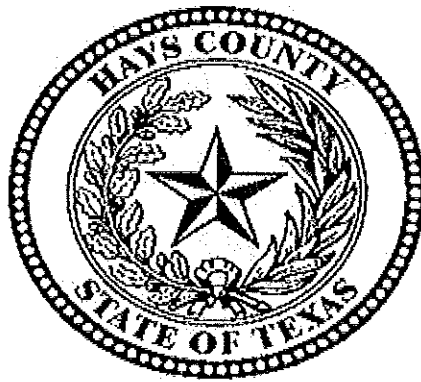


**HAYS COUNTY BAIL  
BOND BOARD  
RULES AND REGULATIONS**



**HAYS COUNTY  
SAN MARCOS, TEXAS**

Pursuant to the provisions of the Texas Occupations Code, Chapter 1704, the following rules and regulations are established to govern the setting and taking of bail bonds in Hays County, Texas. These rules and regulations take effect on the tenth calendar day after posting following the date approved by the Board. All prior rules and regulations previously promulgated by the Board are superceded. If any portion of these rules and regulations are found to be inconsistent or in conflict with any Texas statute, the statute shall be controlling.

[Adopted May 18, 2012]

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# **Rules and Regulations**

A.

**ORGANIZATION OF THE BOARD**

1.

This Board shall be known as “The Hays County Bail Bond Board.”

Source Note: The provisions of this §A.1 previously adopted to be effective January 1, 2001.

2.

The “Hays County Bail Bond Board” shall be composed of the following persons<sup>1</sup>:

- (a) the County Sheriff or a designee from the Sheriff’s Office;
- (b) a District Judge of the 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;
- (c) the County Judge, a member of the Commissioner’s Court designated by the County Judge, or a designee approved by the Commissioner’s Court;
- (d) a Judge of a County Court or a County Court at Law in the County having jurisdiction over criminal matters and designated by the Commissioner’s Court or a designee of the judge who is approved by the commissioners court;
- (e) the District Attorney or an Asst. District Attorney designated by the District Attorney;
- (f) 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;
- (g) a justice of the peace;
- (h) the District Clerk or the designee of the District Clerk;
- (i) the County Clerk or the designee of the County Clerk; if the county clerk has responsibility over criminal matters;
- (j) if appointed by the Board, a presiding judge of a municipal court in the County;
- (k) the County Treasurer or the designee of the County Treasurer; or if appointed by the commissioner’s court in a county that does not have a county treasurer the person designated by the county commissioners court to perform the duties of the county treasurer;
- (l) a criminal defense attorney practicing in 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 defendants or the designee of the criminal defense attorney; and

<sup>1</sup> Only those persons specifically granted the authority to designate a representative to serve on the board may do so.

- (m) if the county's principal municipality designates a presiding judge in the municipal court system, the presiding judge or a municipal judge from the system designated by the presiding judge.
- (n) The Justice of the Peace representative shall be designated by the elected Justices of the Peace in Hays County every two (2) years in July.

Source Note: The provisions of this §A.2 previously adopted to be effective January 1, 2001; Amendments to A.2(b) & (d) made in accordance with SB 235, 80th Leg. R.S. (2007), adopted March 28, 2008, effective April 10, 2008; Amended § A.2 by adding subsection (n) in accordance with 1704.053(11), adopted April 17, 2009, effective April 28, 2009; Amend § A.2 by adding subsection 2(n).effective March 28, 2010;

**3.**

- (a) Meetings of the Board are open to the public and shall comply with the Texas Open Meeting Act.
  - (i) Members of the public may speak at every regularly scheduled Board meeting by printing their full name on a Public Comments Sign-Up Sheet provided by the Secretary of the Board immediately before each regular meeting.
  - (ii) Public comments shall be limited to five (5) minutes each.
  - (iii) Any comments not relating to an agenda item must be limited to proposing an agenda item for the next Board meeting.
  - (iv) A Board meeting relating to a license suspension or revocation or Board inquiry relating to an agenda item shall not be limited by the provisions of this public comments rule.
  - (v) If any provision of these subsections conflicts with the Texas Open Meetings Act, the Texas Open Meetings Act shall prevail.
- (b) Regular meetings shall be held on the third Friday of each month, or at other times at the call of the presiding officer.
- (c) Meetings may also be held on call of the Chairman or any two members of the Board, in writing, and posting of notice at least 72 hours in advance.
- (d) An Emergency meeting may be held at any time upon agreement of any three members of the Board, with notice having been posted for at least 2 hours in advance.
- (e) Meetings shall be held at 8:30 a.m. on the designated date unless the call thereof shall specify otherwise or unless notice be posted three full days in advance.

- (f) Meetings shall be held in Meeting Room #4 of the Hays County Government Center unless otherwise specified.
- (g) All notices shall be posted on the bulletin board in the Hays County Government Center. The Office of the board shall be the Hays County Sheriff's Office unless notice be posted to the contrary pursuant to resolution of the board.

Source Note: The provisions of this §A.3 previously adopted to be effective January 1, 2001; Amendment to §A.3(b) made to permit Board to call meetings per §1704.055. Amend §A.3 by adding subsections (a)(i)-(v) allowing public comment. Effective March 28, 2010. Amendment §A 3 (f) to change the location of the meeting room; Amendment § A 3 (g) to change the location for posting of notices; Effective May 18, 2012.

4.

- (a) At the organizational meeting and annually thereafter at the regular January meeting, the Board shall choose one of its members to serve as Chairman until the next such annual election, unless he be sooner disqualified. The Chairman shall preside over board meetings, and may vote on any board matter.
- (b) In like manner, the Board shall choose a Vice-Chairman, who shall act in the temporary absence of the Chairman. In the event the Chairman be disqualified for any reason before the end of his term, the Vice-Chairman shall automatically become the Chairman. In such event, or if the Vice-Chairman becomes disqualified, at the next regular meeting a new Vice-Chairman shall be chosen.
- (c) In like manner, the Board shall choose a Secretary who shall act in the temporary absence of the Chairman and Vice-Chairman. The Secretary shall be responsible for supervising the receipt of applications; the preparation of agendas and issuance of policies related to agendas; the preparation and certification of records and transcripts of proceedings; the maintenance of records and minutes of meetings; the publication or posting of notices; and the general office affairs not otherwise specifically assigned by these rules and regulations. In the event the Secretary is disqualified for any reason before the end of his term, at the next regular meeting a new Secretary shall be chosen.
- (d) 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 by electing a licensed bail bond surety or agent for a corporate surety board member. 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.
- (e) The Board shall biennially conduct a secret ballot to elect the member of the Board who serves as criminal defense attorney representative. The first election shall be held in December 2010, and every two years thereafter. Nominations

shall be in writing and received by the Board's Secretary no later than 5:00 p.m. on the first Monday in May.

- (f) The Sheriff of Hays County or his designee shall be the Bailiff of this Board.
- (g) The District Attorney or an Asst. District Attorney designated by him shall be the general counsel for this Board.

Source Note: The provisions of this §A.4 previously adopted to be effective January 1, 2001; Amend § A.4 by adding subsection A.4(e) to accept an election/attorney representative. Effective March 28, 2010;

## 5.

All proceedings not governed by specific statutory provision or rule of this Board shall be conducted in accordance with Roberts Rules of Order and the presiding officer shall be the ex-officio parliamentarian.

Source Note: The provisions of this §A.5 previously adopted to be effective January 1, 2001

## B.

### LICENSING PROVISIONS AND REGULATIONS

#### 1.

Applications for a "Bondsman's License" shall be on the form adopted by this Board. The requirements set forth on Applications are incorporated in and form a part of these rules and regulations as if set forth at length herein.

Source Note: The provisions of this §B.1 previously adopted to be effective January 1, 2001

#### 2.

Where an enclosure or an appendix is required in connection with an application, the same shall be firmly affixed to the application and included within the oath as if set forth in the body of the application.

Source Note: The provisions of this §B.2 previously adopted to be effective January 1, 2001

3.

No person shall be issued a license if, after August 27, 1973, the person commits and is finally convicted of misdemeanor involving moral turpitude or a felony.

- (a) 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.

Source Note: The provisions of this §B.3 previously adopted to be effective January 1, 2001, Amended §3 by adding (a) to include employees of Corporate Agent or licensees. Effective June 6, 2010. Amendment §B 3 amended for clarification, effective May 18, 2012.

4.

Each application shall be submitted in the name of the individual, Individual Corporation, or firm seeking the license.

Source Note: The provisions of this §B.4 previously adopted to be effective January 1, 2001

5.

Where an Individual Applicant proposes to do business under an Assumed Name, a certified copy of an Assumed Name Certificate, properly completed and filed of record with the County Clerk of Hays County, shall be submitted with the application. A Corporate Applicant or a Corporate Licensee shall not operate under an assumed name in the bail bonding business in Hays County, Texas unless they provide to the Board an express authorization to do so from within the Insurance Code or from the Texas State Department of Insurance.

Source Note: The provisions of this §B.5 previously adopted to be effective January 1, 2001

6.

- (a) No employee of a licensee will be permitted to sign as surety on any bail bond.
- (b) All licensees and their employees are required to have on file in the Sheriff's Office a signature card.
- (c) Upon request by any Bail Bond Board Member the Bail Bond a licensee shall provide a complete list of employees who act for the licensee. The licensee shall



notify the Bail Bond Board Secretary, in writing, when the employee is no longer employed by the licensee.

Source Note: The provisions of this §B.6 previously adopted to be effective January 1, 2001; amend § B.6 by limiting request for list of employees to Bail Bond Board Members. Effective March 28, 2010;

7.

In compliance with Section 1704.152, Texas Occupations Code, no person shall be eligible for a license unless they meet the following requirements:

- (a) Be a citizen of the United States and a resident of the State of Texas;
- (b) Be at least 18 years of age;
- (c) Possess the financial resources required to comply with Section 1704.160 Texas Occupations Code, and
- (d) Provide documentary evidence that the applicant has, in the two (2) years preceding the date a license application is filed, been continuously employed for at least one (1) year by a person licensed under Chapter 1704 for at least thirty (30) hours per week, excluding annual leave, and has performed duties in all areas of the bonding business, and
- (e) Complete in person at least eight (8) hours of continuing legal education in criminal law courses or bail bond law courses that are approved by the State Bar of Texas and offered by an accredited institution of higher education in the state.

Source Note: The provisions of this §B.7 previously adopted to be effective January 1, 2001; Changes to section B.7(d) and new (e) are in accordance with SB 624, 79<sup>th</sup> Leg. R.S. (2005), adopted on October 21, 2005, and effective on November 1, 2005. Amendment to §B 7 (d) was amended for clarification; effective on May 18, 2012.

8.

Subsection (d) for the above Section 7 does NOT apply to the issuance of an original license:

- (a) issued by the Hays County Bail Bond Board prior to the 15<sup>th</sup> day of June, 2002, which is the first anniversary of the date that the Board was created; or
- (b) issued 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 descendent within the first degree of consanguinity or is the descendant's surviving spouse.

Source Note: The provisions of this §B.8 previously adopted to be effective January 1, 2001

9.

Every license holder shall maintain an office inside Hays County, Texas.

Not later than the 7<sup>th</sup> 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 Secretary of the board of the new location of the office.

Source Note: The provisions of this §B.9 previously adopted to be effective January 1, 2001; Changes to section B.9 are for clarification of the rule, adopted October 21, 2005, and effective November 1, 2005.

C.

**APPLICATIONS FOR BAIL BOND LICENSE**

1.

All Applications shall be submitted to the Secretary of the Bail Bond Board with an original and twelve (12) copies.

Source Note: The provisions of this §C.1 previously adopted to be effective January 1, 2001; Changes to section C.1 is to conform to ch. 1704, adopted October 21, 2005, and effective November 1, 2005.

2.

Each Application for a license must be accompanied by a filing fee of \$500.00. This \$500.00 filing fee is not refundable. Each applicant is hereby placed on notice that once the Application is submitted, the \$500.00 filing fee will not be refunded.

Source Note: The provisions of this §C.2 previously adopted to be effective January 1, 2001

3.

Each surety company may appoint as many employees to represent them as they desire; provided, however, each surety must pay \$50.00 for their appointment fee. Additionally, an individual may serve as an employee for more than one (1) surety provided that each surety company has paid an additional \$50.00 to the Hays County Treasure’s Office identifying and designating that individual as an authorized employee for that surety company. When training new employees the surety may choose to pay \$25.00 at time of application and the remaining \$25.00 after 60 days.

Trainees must be under supervision of a licensed employee at all times. Board approval of an employee’s authority expires when the surety’s license expires.

Source Note: The provisions of this §C.3 previously adopted to be effective January 1, 2001; Changes to section C.3 is for clarification of the rule, adopted October 21, 2005, and effective November 1, 2005.

4.

The Secretary of the Bail Bond Board shall cause such investigation to be made of each Applicant, Applicant's property – real, personal, or otherwise – and all persons identified as acting in concert with or otherwise associated with the Applicant as has been established by resolution of the Board or as is otherwise required by law.

If Applicant intends to use real property as security, the Secretary shall:

- (a) Order a title insurance policy from a company doing business in the county where the property is located;
- (b) Upon receipt of the title insurance commitment, provide a copy to the Applicant, and draft and include an agenda item for its discussion at the next scheduled Board meeting;
- (c) Notify applicant of any documents to be executed or action to be taken to cure the items, if any listed on Schedule C of the commitment. All Schedule C items shall be satisfied no later than ten (10) days prior to the Board's consideration of the Application;
- (d) Upon Board approval, transmit all documents to the title insurance company for review and filing in the official records of the county where the property is located, with instruction to return the file-stamped copy of the original deed of trust and title insurance policy to the Board;
- (e) Direct the title insurance company to prepare a billing statement in the name of applicant for all filing fees. Applicant shall submit proof of payment of filing fees no later than ten (10) days after Application approval;
- (f) Direct the title insurance company to prepare and submit a final statement to the Board for the title policy premium and associated fees.

Source Note: The provisions of this §C.4 previously adopted to be effective January 1, 2001. The amendment of § C 4 and the adding of (a) through (f) were necessary to clarify the duties of the Secretary when the applicant intends to use real property as security; Effective May 18, 2012.

5.

All Applicants shall fully cooperate with the Board in the investigation of their qualifications and shall furnish such records and other information as is requested or as

shall otherwise be deemed by the Board to be relevant and necessary to complete the investigation. If an applicant's financial resources are determined to be incomplete, the application will not be placed on the Board's agenda for consideration until completed. If an Applicant disagrees as to the financial resources in the application, then the Applicant shall submit, in writing, a sworn statement setting forth the reason(s) the Applicant believes the financial resources to be adequate. Upon receipt of Applicant's sworn statement, the Board shall determine only the adequacy of the financial resources in the application in a separate meeting apart from the substantive review of the application.

Source Note: The provisions of this §C.5 previously adopted to be effective January 1, 2001; Changes to section C.5 are made to conform to Ch. 1704, adopted October 21, 2005, effective November 1, 2005.

6.

Upon completion of such investigation, the Secretary of the Bail Bond Board shall furnish a complete copy of all reports together with a copy of the application to each member of the board not less than ten (10) days prior to the meeting at which the application is to be considered.

Source Note: The provisions of this §C.6 previously adopted to be effective January 1, 2001

7.

Applications listing real property as security shall not be considered by the Board less than sixty (60) days after filing. All other applications shall be considered at each regular meeting of the Board. The discussion of the applicants and application shall be in open session.

Source Note: The provisions of this §C.7 previously adopted to be effective January 1, 2001. Amendment of §C 7 is necessary to allow ample time to review applications submitting real property as security; Effective May 18, 2012.

8.

Each Applicant shall be notified by the Secretary to appear in person or in the case of a firm or corporation, by a designated representative, before the Board on the date his Application is to be considered for such interrogation under oath as the Board or any of its members shall deem proper.

Source Note: The provisions of this §C.8 previously adopted to be effective January 1, 2001

9.

The Board shall vote on each Application separately, in open session, by voice vote, or at the discretion of the presiding officer, by roll call vote or by hand count. If the

Board determines that a ground exists to deny the Application, the Board shall enter an order denying the Application. The Board shall give written notice to Applicant of the Board's decision on the Application.

Source Note: The provisions of this §C.9 previously adopted to be effective January 1, 2001

## 10.

Licenses and official identification cards shall be issued to licensee within a reasonable time of licensee's final approval.

Source Note: The provisions of this §C.10 previously adopted to be effective January 1, 2001. Changes to §C.10 made to conform to ch. 1704, adopted October 21, 2005, effective November 1, 2005.

## 11.

All licenses issued for less than eight (8) consecutive years shall be renewed every 24 months.

All Renewal Applications shall be on forms approved and provided by the Board, submitted no later than the thirty-first (31<sup>st</sup>) day prior to the license expiration date, accompanied by a filing fee of \$500.00, and comply with the original license requirements.

All persons who have held their licenses for at least eight (8) consecutive years without having been suspended or revoked, may renew their licenses every thirty-six (36) months if the Board knows of no legal reason why the license should not be renewed, and the Board determines the applicant has submitted an annual financial report. All financial reports shall be submitted on or before March 1 of each calendar year.

Qualified persons wishing to renew every thirty-six (36) months shall give written notice to the Board thirty-one (31) days prior to the license expiration date.

If the Board determines that a ground exists to deny the renewal application, the Board shall enter an order denying the application. The Board shall give written notice to Applicant of the Board's decision on the application.

Source Note: The provisions of this §C.11 previously adopted to be effective January 1, 2001; Amend §C.11 to conform to Chapter 1704 by changing 30 days to 31 days and removing temporary permit provisions. Effective March 28, 2010. Amend §C.11 for clarification and to add a due date for submitting annual financial statements; Effective May 18, 2012.

(a)

During the renewal process, a surety may appoint employees. Surety's appointing employees during the renewal process must comply with section C.3 (Employee Fees).

Source Note: New Rule C.11(a) was proposed for clarification of appointing agents during the renewal process, adopted October 21, 2005, and effective November 1, 2005.

12.

An Applicant may withdraw an application from consideration by the Board by submitting, in writing, a request to withdraw the application prior to the date the Board is scheduled to vote to approve or disapprove that application. A request to withdraw an application must be received by the Board Secretary before 5:00 p.m. on the day before the date the Board is scheduled to vote on the application.

Source Note: The provisions of this §C.12 previously adopted to be effective January 1, 2001; Changes to section C.12 are made to clarify application withdrawals, adopted October 21, 2005, effective November 1, 2005.

13.

If any address or telephone number listed on the most recent application for license should change for any reason, the applicant or licensee shall provide written notice of such changes within seven (7) business days to the Secretary of the Board.

Source Note: The provisions of this §C.13 previously adopted to be effective January 1, 2001; Amend § C.13 by changing 5 days to 7 days. Effective May 28, 2010;

D.

**AMENDMENT OF LICENSE APPLICATION  
OR INFORMATION CONTAINED WITHIN LICENSE APPLICATION**

1.

An Application for a "Bondsman's License" may be amended by filing an Application to Amend. All applications for the amendment of a Bondsman's License must be made under oath by the licensee and specifically state:

- (a) the provisions of the license which is sought to be amended;
- (b) the reasons why said application should be amended; and
- (c) what the application will ultimately state if the requested amendment is granted.

Source Note: The provisions of this §D.1 previously adopted to be effective January 1, 2001

2.

All Applications for Amendment of a Bondsman's License shall be submitted to the Secretary of the Board with an original amendment and twelve (12) copies.

Source Note: The provisions of this §A.1 previously adopted to be effective January 1, 2001; Changes to section D.2 conforms to ch. 1704, adopted October 21, 2005, effective November 1, 2005.

3.

The procedure for consideration of an Application to Amend a Bondsman's License Application shall be the same as set forth for an original license.

Source Note: The provisions of this §D.3 previously adopted to be effective January 1, 2001

4.

If any of the following information which is required under the Original Application for a Bondsman's License changes, a licensee shall file an Application to Amend its License within ten (10) days of the change to correct or otherwise update the information so as to fully, completely and accurately reflect the change. The information for which an amendment is required is:

- (a) the posting of additional security in the form of real property;
- (b) any information relevant to bankruptcy;
- (c) any information relevant to changes in the membership of a partnership or the structure of a corporation;
- (d) any information relevant to additional counties wherein the licensee is doing bail bond related business;
- (e) any information relevant to the suspension, cancellation or revocation of any license to conduct bail bond related business in any other county;
- (f) any information relevant to becoming involved in civil litigation;
- (g) any information relevant to being arrested or otherwise charged with the commission of any criminal offense;
- (h) any information relevant to any change in the status of any property or assets which are in any way identified as security for the posting of bail bonds;
- (i) any change in marital status.

Source Note: The provisions of this §D.4 previously adopted to be effective January 1, 2001. The Amendment of §D.4(a) was necessary for clarification and uniformity in filing an amended license application; Effective May 18, 2012.

**5.**

Should the bondmen's business address or telephone number change, those portions of the application shall be amended and submitted to the Board for approval.

Source Note: The provisions of §D 5 were added for clarification of filing a change in business address or telephone number change; Effective May 18, 2012.

**E.**

**EXEMPTIONS**

**1.**

All persons posting bail under legal exemption from the license requirements of the rules and regulations of the Hays County Bail Bond Board shall execute, under oath, a Bail Bond form approved by the Board and issued by the Sheriff's Office and are subject to the Hays County Sheriff's Office procedures.

Source Note: The provisions of this §E.1 previously adopted to be effective January 1, 2001

**2.**

Any time an unlicensed person attempts to post bail under an exemption provided by these rules and regulations or otherwise authorized by law, the Sheriff shall obtain written proof under oath of the exemption.

Source Note: The provisions of this §E.2 previously adopted to be effective January 1, 2001

**3.**

Attorneys posting bail shall certify that the attorney-client relationship arose under conditions that are not in violation of the canons of ethics or the published rules and regulations of the State Bar of Texas. An attorney-surety must execute a notice of appearance and may not post bail until they provide a letter indicating they represent the person listed in the bond for the case in which bail is made.

Source Note: The provisions of this §E.3 previously adopted to be effective January 1, 2001; Changes in section E.3 are made in accordance with SB 624, 79<sup>th</sup> Leg. R.S. (2005), adopted October 21, 2005, effective November 1, 2005.

**4.**

Attorneys shall comply with the continuing education requirements of the Code of Criminal Procedure, article 17.10.



Source Note: The provisions of this §E.4 previously adopted to be effective January 1, 2001; Changes to section E.4 are made in accordance with SB 624, 79<sup>th</sup> Leg. R.S. (2005), adopted October 21, 2005, effective November 1, 2005; Section E.4 omitted, effective April 10, 2008. § E.4 added per legislation requiring CLE hours by attorneys. Effective March 28, 2010;

**5.**  
**[reserved]**

Source Note: The provisions of this §E.5 previously adopted to be effective January 1, 2001; Section E.5 omitted, effective April 10, 2008.

**6.**

No person who receives compensation, in any form, for posting bail may be exempt as a co-surety.

Source Note: The provisions of this §E.6 previously adopted to be effective January 1, 2001

**F.**

**SECURITY REQUIREMENTS FOR THE  
POSTING OF BAIL**

**1.**

- (A) On receipt of notice under Section 1704.159 that an Application has been conditionally approved, the applicant, not later than the 90<sup>th</sup> day after the date of receipt of the notice, must:
- (1) if the applicant is an individual:
    - (a) deposit with the County Treasurer a cashier's check, cash, money order, or certificate of deposit in the name of Hays County for the benefit of the surety or
    - (b) execute in trust to the Hays County Bail Bond Board each deed listed on the application along with Affidavits of Identity and Indemnity, Affidavit as to Debts, Liens, and Possession of Property, Affidavit of Marital Status, and Non-Homestead Affidavit and Designation of Homestead.
  - (2) if the applicant is a corporation:
    - (a) deposit with the County Treasurer a cashier's check, cash, money order, or certificate of deposit in the name of Hays County for the benefit of the surety.

- (B) The total value of the deposit made with the County Treasurer under(A)(1)(b) or the total value of the property executed in trust under (A)(1)(b) may not be less than FIFTY THOUSAND DOLLARS (\$50,000.00). A corporation must make a separate deposit of not less than FIFTY THOUSAND DOLLARS (\$50,000.00) for each license granted to it.
- (C) Any property to be conveyed in trust to the Board to secure payment of any obligations incurred by the applicant shall be free and clear from encumbrances. At the option of the applicant, the property executed in trust under Subsection (A)(1)(b) must be valued in the amount not less than \$50,000,00 indicated by:
- (1) a current 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
  - (2) the county's most recent certified tax appraisal roll.
- (D) A trust created under Subsection (A)(1)(b) is subject to the condition that the property executed in trust, may be sold, after notice is provided and under the conditions required by the Code of Criminal Procedure, to satisfy a final judgment on a forfeiture on a bail bond executed by the Applicant.
- (E) If an Applicant is married, the applicant's spouse must execute each deed of trust under Subsection (A)(1)(b) that involves community property.
- (F) The Board shall file each deed of trust in the records of each county in which the property is located and the Applicant shall pay all filing fees necessary to effectuate the aforesaid recording of the deeds of trust. The Board is authorized to pay for this expenditure from application or renewal fees.
- (G) The license holder must maintain the amount of security required under these rules and regulations (as well as any amount of security required to be maintained in order to be in compliance with the Texas Occupations Code, Chapter 1704), during the entire period of time the person holds the license. Once assets or other property have been posted as security hereunder, the licensee cannot withdraw, transfer, replace or otherwise take any action relevant to said assets or property without submitting a written request thirty (30) days prior and obtaining the approval of the Board.

A license holder may withdraw the security or a portion of the security deposited or executed under these Rules and Occupations Code Section 1704.160, and the security shall be returned to the license holder or the license holder's heirs or assign, if the person

requesting the withdrawal is 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 these Rules and Occupations Section 1704.160; and
- (2) an amount sufficient to maintain the ratios required by these Rules and Occupations Code Section 1704.203; or

A former license holder who has ceased to engage in the bonding business, or a former license holder's heir or assign, may withdraw the security or portion of the security deposit as executed under these Rules and Occupations Code Section 1704.160, if the amount of the security remaining after the withdrawal is sufficient to:

- (1) pay any outstanding judgments; and
- (2) secure any unexpired obligation on a bail bond executed by the former license holder.

License holders, current and former, may withdraw the security or a portion of the security deposited or executed under these Rules and Occupations Code Section 1704.160, one time per annum.

- (H) Cashier's checks, cash, money orders, or certificates of deposit submitted as additional security shall be received by the Sheriff's Office not later than 1 p.m. to receive credit the same business day.

Source Note: The provisions of this §F.1 previously adopted to be effective January 1, 2001; Amendment to §F.1(A)(2)(a) adopted to treat corporations and individuals consistently, adopted March 28, 2008, effective April 10, 2008.; Amend to §F.1 (A) (1) (b) by requiring filing of new forms; Amend to §F.1 (F) to require applicant to pay all fees associated with renewal or new application and authorize Board to pay with fees. Effective March 28, 2010. The provisions of §F 1 (A) (1) (b) was necessary to include the Non-Homestead Affidavit and Designation of Homestead; §F 1(C) and §F 1(C) (1) was amended for clarification; §F 1(C) (2) was added to include the tax appraisals; Additional language was added to §F 1 (G) and §F 1 (G) (1) & (2) was added to conform to the provisions of Ch. 1704; Effective May 18, 2012.
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## G.

### TAKING OF BAIL

#### 1.

Bail in Hays County shall be posted only on the applicable forms approved by the Board. All Bail Bonds shall be required to have the original signature of the surety on the

face of the Bail bond and rubber stamps, photocopies or other similar reproductions of surety signature will not be approved or accepted, nor any bond that appears to be altered.

Source Note: The provisions of this §G.1 previously adopted to be effective January 1, 2001; Amend §G.1 by adding altered Bail Bond. Effective March 28, 2010;

2.

- (a) No person or agent for a corporate surety required to be licensed under these rules and regulations may execute a bail bond without a license.
- (b) All licensed bondsmen, and agents for corporations licensed under these provisions will obtain an Identification Badge from the Bail Bond Board.

This Identification Badge MUST be presented each time a bond is made.

- (c) The above mentioned Identification Badge will be issued to licensed Bondsmen or to designated agents for a corporation licensed under these provisions, upon issue of a license.
- (d) Any individual who has signed as a surety on a bail bond **IN HAYS COUNTY** and is in default thereon shall thereafter be disqualified to sign as a surety so long as he is on default on said bond. It shall be the duty of the Clerk of the Court wherein such surety is in default on a bail bond, to notify the Bail Bond Board, the Secretary of the Bail Bond Board and the Sheriff of such default. A surety shall be deemed in default from the time that execution may be issued on a final judgment in a bond forfeiture proceeding under the Texas Rules of Civil Procedure, unless the final judgment is superseded by the posting of a superseded bond.

Source Note: The provisions of this §G.2 previously adopted to be effective January 1, 2001

3.

- (a) As to bail for prisoners in the Hays County Jail or for persons who are to be delivered to the Hays County Jail, bail shall not be effective until approved by the Sheriff of Hays County or one of his deputies.
- (b) As to bail for persons under process from a municipal corporation lying wholly or partly in Hays County, bail shall not be effective until approved by the official designated by such municipality.

Source Note: The provisions of this §G.3 previously adopted to be effective January 1, 2001

4.

Cash Bail (other than municipality court bail) shall be posted with the Sheriff, who will receipt and account therefore.

Source Note: The provisions of this §G.4 previously adopted to be effective January 1, 2001

H.

**BAIL BOND LIMIT**

1.

The Secretary of the Bail Bond Board shall maintain for each license holder the total amount of the license holder's current liability on bail bonds.

Source Note: The provisions of this §H.1 previously adopted to be effective January 1, 2001

2.

- (a) A licensed bail bond surety who has been licensed for fewer than two(2) years may not execute, and a person may not accept from the license holder, bail bonds that in the aggregate exceeds (10) times the value of the property held as security under Section F, Subsection (A)(1)(a)[Cashier's check, Certificate of Deposit, Cash] plus five (5) times the value of property held in trust under Section F, Subsection (A)(1)(b) [Real Property];
- (b) A licensed bail bond surety who 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 exceeds (10) times the value of the property held as security under Section F, Subsection (A)(1)(a)[Cashier's check, Certificate of Deposit, Cash] plus six (6) times the value of property held in trust under Section F, Subsection (A)(1)(b) [Real Property];
- (c) A licensed bail bond surety who has been licensed for at least four (4) years and fewer than six (6) years may not execute, and a person may not accept from the license holder, bail bonds that in the aggregate exceeds (10) times the value of the property held as security under Section F, Subsection (A)(1)(a)[Cashier's check, Certificate of Deposit, Cash] plus eight (8) times the value of property held in trust under Section F, Subsection (A)(1)(b) [Real Property];

- (d) A licensed bail bond surety who has been licensed for more than six (6) years and may not execute, and a person may not accept from the license holder, bail bonds that in the aggregate exceeds (10) times the value of the property held as security under Section F, Subsection (A)(1)(a)[Cashier's check, Certificate of Deposit, Cash] plus ten (10) times the value of property held in trust under Section F, Subsection (A)(1)(b) [Real Property];
- (e) A licensed bail bond surety who has had a license reinstated, after having had his license revoked or otherwise suspended by the Board, the provisions for calculating "the bail bond limit" as set forth under Section H, Subsection (a) controls.

Source Note: The provisions of this §H.2 previously adopted to be effective January 1, 2001

**3.**  
**[reserved]**

Source Note: The provisions of this §H.3 previously adopted to be effective January 1, 2001; Repeal of section H.3 is to conform to ch. 1704, adopted October 21, 2005, effective November 1, 2005.

**4.**

A licensee may not execute any bail bond if the amount of the licensee's current total liability on judgment nisi in Hays County equals or exceeds twice the amount of security deposited or executed by the licensee.

Source Note: The provisions of this §H.4 previously adopted to be effective January 1, 2001

**5.**  
**[reserved]**

Source Note: The provisions of this §A.1 previously adopted to be effective January 1, 2001; Repeal of section H.5 is to conform to ch. 1704, adopted October 21, 2005, and effective November 1, 2005.

**I.**

**PROVISION FOR AUTOMATIC SUSPENSION  
OF LICENSE IN VIOLATION OF SECURITY REQUIREMENTS**

**1.**

The Secretary of the Bail Bond Board is hereby designated as the person to whom the records of bondsmen shall be submitted to for inspection prior to the issuance and

subsequent renewal of a bondsman's license. The Secretary is further designated as the authorized agent of the Board to inspect the records of any bondsman or licensee, at any time he deems it necessary to do so, as well as at any time the Board makes a request for the inspection of the records of any bondsmen or licensee.

Source Note: The provisions of this §I.1 previously adopted to be effective January 1, 2001

2.

The Secretary of the Bail Bond Board is designated as the County Officer to maintain a current total of bondsman's potential liability on bonds in force as required by Texas Occupations Code, Chapter 1704.

Source Note: The provisions of this §I.2 previously adopted to be effective January 1, 2001

3.

If the Secretary determines that a licensee has failed to maintain security at the proper ratio as required by the rules and regulations herein, or as required by the Texas Occupations Code, Chapter 1704, the Secretary shall immediately notify the licensee and the Chairman of the Hays County Bail Bond Board. No further bonds may be written by the licensee or his agent(s) after written notification has been sent to the licensee that he is in violation of the security requirements, pending further action by the Board. At the next regularly scheduled meeting (or at an emergency meeting called by the Chairman of the Board), the Board shall consider the suspension of the license holder's license. No prior notice or hearing to the licensee shall be necessary for suspension of said license. If the Board determines that a licensee has failed to maintain the security deposit at the proper ratio, as required by these rules and regulations or as required by the Texas Occupations Code, Chapter 1704, the Board shall immediately enter an order suspending the license for as long as the violation continues. Once the proper ratio is regained, the Secretary shall immediately lift the suspension and report such fact, in writing, to the Board.

Source Note: The provisions of this §I.3 previously adopted to be effective January 1, 2001

4.

Execution of a bail bond by the licensee or his employee/agent, at any point in time while a license suspension is in effect, after the licensee has been served with written notice that his license has been suspended, shall be grounds for revocation of the license.

Source Note: The provisions of this §I.4 previously adopted to be effective January 1, 2001

**J.**

**PROVISION FOR SUSPENSION OF LICENSE  
FOR FAILURE TO PAY JUDGMENT**

**1.**

The Board shall revoke the license, after proper notice and hearing, if the licensee fails to pay any final judgment associated with the licensee's bonding business within thirty-one (31) days after the date of the final judgment.

Source Note: The provisions of this §J.1 previously adopted to be effective January 1, 2001

**2.**

**PAYMENT OF FINAL JUDGMENT  
AND FAILURE TO PAY FINAL JUDGMENT**

- (a) A person shall pay a final judgment on a forfeiture of a bail bond executed by the person not later than the 31<sup>st</sup> day after the date of the final judgment unless a timely motion for new trial has been filed. If a timely motion for a new trial or a notice of appeal has been filed, the person shall:
  - (1) pay the judgment not later than the 31<sup>st</sup> day after the motion is overruled, if the motion is overruled; or
  - (2) deposit with the court cash or a supersedeas bond in the amount of the final judgment, if an appeal is filed.
- (b) If a license holder fails to pay a final judgment as required by Subsection (a), above, the judgment shall be paid from the security deposited or executed under these rules.
- (c) The Board or its authorized representative shall immediately notify the Sheriff if a bail bond surety fails to pay a final judgment as provided by Subsection (a), above.
- (d) After receiving notification, the Sheriff may not accept any further bonds from the bail bond surety until the surety pays the judgment.
- (e) The bail bond surety's privilege to post bonds is reinstated when the bail bond surety pays the judgment.
- (f) The Board is not required to provide notice or a hearing before making the notification required by Subsection (c), above.



- (g) The Board shall immediately suspend a license if the license holder fails to maintain the amount of security required under these rules. The Board is not required to provide notice or a hearing before suspending a license. A license suspended under this subsection shall be immediately reinstated if the license holder deposits or executes the amount of security required by these rules.
- (h) After notice and hearing, the Board shall revoke a license if:
  - (1) the license holder fails to pay a judgment in accordance with Subsection (a), above; and
  - (2) the amount of security maintained by the license holder under these rules is insufficient to pay the judgment.

Source Note: The provisions of this §J.2 previously adopted to be effective January 1, 2001

## K.

### INVESTIGATION OF COMPLAINTS

#### 1.

All complaints, other than those considered by the Board on its own motion or at the request of a Court, shall be in writing and shall be sworn to.

Source Note: The provisions of this §K.1 previously adopted to be effective January 1, 2001

#### 2.

- (a) The Board shall designate a board member to serve as Clerk for all proceedings involving alleged violations of these rules and regulations as well as any violations of the Texas Occupations Code, Chapter 1704, or any rules or regulations made pursuant thereto. The Sheriff's Office shall maintain and provide to any person seeking to file a complaint against a licensee contact information for the Clerk and a complaint form approved by the Board.
- (b) The duties of the Clerk shall be as follows:
  - (1) receive all initial complaints involving violations of these rules and regulations as well as any violations of the Texas Occupations Code, Chapter 1704, or any rules or regulations made pursuant thereto;
  - (2) forward all initial complaints to the Office of the District Attorney for investigation;
  - (3) Send notice of the hearing to suspend or revoke a license under these rules or

the Texas Occupations Code, Chapter 1704, by certified mail, to the last known address of the license holder not later than the 11<sup>th</sup> day before the hearing date.

The notice sent shall state therein each alleged violation of these rules or the Texas Occupations Code, Chapter 1704. The notice shall also include a copy of any written complaint on which the hearing will be based.

- (4) mail a copy of licensee's response, if any, and notice of the hearing date and time to the party complainant by certified mail;
- (5) Send a copy of the Board's decision to the licensee and the complainant by certified mail; and
- (6) maintain a log for all initial complaints and any subsequent actions taken thereof.

Source Note: The provisions of this §K.2 previously adopted to be effective January 1, 2001; Change to section K.2 is for clarification, adopted October 21, 2005, effective November 1, 2005.

### 3.

- (a) The Office of the District Attorney shall investigate and prosecute all alleged violations of the rules and regulations herein as well as any violations of the Texas Occupation Code, Chapter 1704.
- (b) The duties of the Office of the District Attorney shall be as follows:
  - (1) investigate all complaints received by the Clerk of the Hays County Bail Bond Board;
  - (2) file findings of fact and recommendations for further action with the Clerk of the Bail Bond Board not later than thirty (30) days after receipt of the complaint;
  - (3) report to the Bail Bond Board as to the investigation and any recommendations made concerning a complaint filed with the Bail Bond Board on the second regularly scheduled meeting of the Bail Bond Board after initial receipt of a complaint from the Clerk;
  - (4) prosecute any matter involving an violation of these rules and regulations or of the Texas Occupation Code, Chapter 1704.

Source Note: The provisions of this §K.3 previously adopted to be effective January 1, 2001

4.

Upon presentation of the findings of fact and recommendation of the District Attorney, the Hays County Bail Bond Board shall make a determination as to what course of action should be taken, including making a determination as to whether there is sufficient cause for the Board to conduct a full adversarial hearing on the matter

Source Note: The provisions of this §K.4 previously adopted to be effective January 1, 2001

5.

Upon a vote by a majority of the members of the Board, if the Board determines that a full adversarial hearing should be held, the Board shall schedule a hearing and direct the District Attorney to present witnesses and prosecute said matter before the Board.

Source Note: The provisions of this §K.5 previously adopted to be effective January 1, 2001

6.

The licensee may make a full written response that shall be filed with the Clerk of the Hays County Bail Bond Board within ten (10) days after receipt of the complaint from the Clerk.

Source Note: The provisions of this §K.6 previously adopted to be effective January 1, 2001

7.

The licensee shall be entitled to ten (10) days notice in order to prepare for said adversary hearing. Notice shall be sent by certified mail, return receipt requested to the last known address of the licensee.

Source Note: The provisions of this §K.7 previously adopted to be effective January 1, 2001

8.

The hearing shall be limited to each alleged violation stated in the notice. The hearing shall afford the licensee an opportunity to be heard, to present witnesses on his behalf, and to cross-examine witnesses against him.

Source Note: The provisions of this §K.8 previously adopted to be effective January 1, 2001

9.

Hearings before the Board shall be open to the public.

Source Note: The provisions of this §K.9 previously adopted to be effective January 1, 2001

**10.**

The hearing shall be recorded. The record of the hearing shall be made available, upon request, to the licensee for duplication or transcription subject to the licensee paying all reasonable costs associated with the duplication or transcription of the record.

Source Note: The provisions of this §K.10 previously adopted to be effective January 1, 2001

**11.**

The findings of fact shall be based upon a preponderance of the evidence.

Source Note: The provisions of this §K.11 previously adopted to be effective January 1, 2001

**12.**

The Chairman of the Hays County Bail Bond Board shall make all rulings of procedure and determination of law. Findings of fact shall be upon a majority of the vote of those present and voting.

Source Note: The provisions of this §K.12 previously adopted to be effective January 1, 2001

**13.**

The District Attorney shall not participate in the deliberations of the Board. In case of a tie vote, the vote of the Chairman of the Board shall be the deciding vote.

Source Note: The provisions of this §K.13 previously adopted to be effective January 1, 2001

**14.**

If the complaint in any way is related to a licensee, who is also a member of the Hays County Bail Bond Board, said licensee shall be disqualified as a member of the Board to consider said complaint. In the event the licensee shall be so disqualified, the Chairman of the Board shall call a Special Session of the Board, as soon as is practicable, for the purpose of electing a licensee to serve in the place and stead of the licensee Board-Member who has been disqualified to consider the aforesaid complaint. The election shall be determined by a majority of the licensees present at the specially called session. Once elected, the licensee shall serve as the bail bondsman's representative on the Board at all meetings of the Board pending the final disposition of the complaint.

Source Note: The provisions of this §K.14 previously adopted to be effective January 1, 2001

15.

A violation of any of the rules or regulations of the Hays County Bail Bond Board, the Texas Occupation Code, Chapter 1704, or the laws of the State of Texas or of the United States shall be considered as a ground for revocation and/or suspension of the license of any licensee.

Source Note: The provisions of this §K.15 previously adopted to be effective January 1, 2001

16.

Upon finding that there has been any violation of these rules and regulations, the Texas Occupation Code, Chapter 1704, or the laws of the State of Texas or of the United States, the Board shall determine, by a majority vote of those members present, whether to revoke or to suspend said license and the duration thereof.

Source Note: The provisions of this §K.16 previously adopted to be effective January 1, 2001

17.

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 Texas Occupation Code Section 1704.255.

A Board Order appealed under Texas Occupation Code Section 1704.255 has full force and effect pending determination of the appeal.

Source Note: The provisions of this §K.17 previously adopted to be effective January 1, 2001

L.

**RECORDS REQUIRED TO BE MAINTAINED BY LICENSEES**

1.

Any person licensed hereunder shall be required to maintain the following records:

- (A) a record of each bond on which the licensee appears as a surety which includes the following information:
- (1) the name of the principal/ defendant released from custody;
  - (2) the cause number, the agency case number, charge, court information and indictment number (so as to distinguish one bond from any other bonds which may have been posted for the same individual);
  - (3) the amount of the bail posted.

Source Note: The provisions of this §L.1 previously adopted to be effective January 1, 2001

2.

A licensee shall create and maintain for a period of four years from the conclusion of the defendant's cause for which bond was given a record of the above information for every individual for which he appears as a surety on the bond and said records shall be separate and distinct for each county in which the bondsman is licensed, or executes bail bonds or otherwise does bail bond related business.

Source Note: The provisions of this §L.2 previously adopted to be effective January 1, 2001

3.

A licensee shall also update and maintain "the status" of the records for each of the above referenced bonds as "pending", "forfeited" or "disposed". A licensee shall also maintain a record of all outstanding judgment nisi's that the licensee has been served with, including the name of the principal, the cause number, the date on which the principal failed to appear and the amount of the bail bond.

Source Note: The provisions of this §L.3 previously adopted to be effective January 1, 2001

4.

The aforesaid records shall be submitted to the Board, the Secretary of the Board, or to such other person as is designated by the Board for inspection prior to renewal of the bondsman's license, and said records shall also be available on demand by the Board or its authorized representative for inspection and copying at the Board's expense.

Source Note: The provisions of this §L.4 previously adopted to be effective January 1, 2001

5.

Not later than the 10<sup>th</sup> day of every month, each licensee shall furnish the Secretary of the Board with all information that is requested on the form, which is entitled "Monthly Report". If a licensee fails to comply with these reporting requirements, the licensee shall be immediately denied the privilege of making bail bonds.

Source Note: The provisions of this §L.5 previously adopted to be effective January 1, 2001

**M.**

**PUBLISHING A LIST OF THE LICENSEES**

**1.**

The Board shall publish a list of licensees (listed randomly as drawn) by proper name and showing the business address and telephone number of each licensee.

Source Note: The provisions of this §M.1 previously adopted to be effective January 1, 2001

**2.**

After initial draw, bondsman list will be rotated each week. Newly approved companies will begin at bottom of list.

Source Note: The provisions of this §M.2 previously adopted to be effective January 1, 2001

**3.**

No additional listings shall be permitted to any licensee.

Source Note: The provisions of this §M.3 previously adopted to be effective January 1, 2001

**4.**

If, as and when the Board issues a new license, a new list including the new licensee shall be published.

Source Note: The provisions of this §M.4 previously adopted to be effective January 1, 2001

**5.**

No unlicensed person (even though exempt from licensing) may be placed on the list.

Source Note: The provisions of this §M.5 previously adopted to be effective January 1, 2001

**6.**

The Board shall post in each court having criminal jurisdiction in the county, 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. A list of each licensed bail bond surety and each licensed agent of a corporate surety in a county shall be displayed at each location where prisoners are examined, processed, or confined.

Source Note: The provisions of this §M.6 previously adopted to be effective January 1, 2001

7.

No Sheriff, or Sheriff's Deputy, or Peace Officer or other employee, or clerk or deputy clerk of any court will permit any identifying or emphasizing mark to be made on such published list. If the published list becomes so marked, it shall be the responsibility of the Sheriff, his deputy, or other peace officer or court clerk to obtain a new unmarked list for display.

Source Note: The provisions of this §M.7 previously adopted to be effective January 1, 2001

N.

**ADVERTISING AND OTHER ETHICAL REQUIREMENTS  
OF CONDUCT FOR LICENSEES**

1.

No bondsman (licensed or exempt) shall place, or permit to be placed, any advertising at any place where prisoners are examined, processed or confined, nor in a location visible from where prisoners are examined, processed or confined.

The dissemination of personal, professional or business cards or solicitation by word, act or deed shall be deemed advertising.

Source Note: The provisions of this §N.1 previously adopted to be effective January 1, 2001

2.

Telephone directory advertising for a licensee shall be listed in the proper name of the licensee and may contain assumed or corporate names.

Source Note: The provisions of this §N.2 previously adopted to be effective January 1, 2001

3.

No licensee may pay any commission or divide any commission or fee with any person, company, firm or corporation that is not permitted to execute bonds, or in any manner pass anything of value to any person for referrals of bond business. This prohibition also includes any and all agents and other employees of the licensee.

Source Note: The provisions of this §N.3 previously adopted to be effective January 1, 2001



4.

No person, firm, corporation, or agent thereof, that is not licensed to make bail bonds may use a phone number, address or advertising of any kind to solicit bail bond-related business or refer bail bond-related business to a licensee or to any other non-licensee. Further, no licensee may use a phone number, address or office of a non-licensee to conduct any bail bond business.

Source Note: The provisions of this §N.4 previously adopted to be effective January 1, 2001

5.

No licensee, or agent of a licensee, may by any means, recommend or suggest to any person whose bail bond has been posted, the name of any particular attorney or firm of attorneys for employment in connection with a criminal action.

Source Note: The provisions of this §N.5 previously adopted to be effective January 1, 2001

6.

In the course of conducting bail bond business:

- (a) no licensee, or agent of a licensee, may recommend or suggest to any person the name of an attorney or firm of attorneys for employment in connection with a criminal offense, or
- (b) no licensee, or agent of a licensee, may promise to provide an attorney to any person seeking bail, or
- (c) no licensee, or agent of a licensee, may recommend or suggest to any attorney, or other associate of an attorney, the name of a person that may be seeking to employ counsel in connection with a criminal offense.
- (d) A bail bond surety, an agent of a corporate surety, or an employee of the surety or agent may not make, cause to be made, or benefit from unsolicited contact:
  - (1) through any means, including in person, by telephone, by electronic media, or in writing, to solicit bonding business related to an individual with an outstanding warrant that has not been executed, unless the bail bond surety or agent for a corporate surety has an existing bail bond on the individual; or
  - (2) in person or by telephone to solicit bonding business that occurs between 9 p.m. and 9 a.m., or within 24 hours after the execution of an arrest warrant on the individual, or an arrest without a warrant on the individual.

Source Note: The provisions of this §N.6 previously adopted to be effective January 1, 2001

7.

No person associated with the bail bond business shall either directly or indirectly, give, promise to give or otherwise pass any money, property or other thing of value to any attorney, law enforcement officer, or corrections officer for the referral of bail bond business.

Source Note: The provisions of this §N.7 previously adopted to be effective January 1, 2001

8.

No licensee, or agent of a licensee, may solicit bail bond related business in a police station, jail, detention facility or other place where persons in the custody of law enforcement officials may be detained.

Source Note: The provisions of this §N.8 previously adopted to be effective January 1, 2001

9.

The commission or final conviction of any felony offense or of any misdemeanor offense involving a crime of moral turpitude shall be grounds for suspension or revocation of the license and identification card issued to a licensee, or the agent of the licensed bondsman.

Source Note: The provisions of this §N.9 previously adopted to be effective January 1, 2001

10.

A licensee, or the agent of a licensee, who knowingly gives false information to any law enforcement officer or official, regarding the whereabouts of any person for whom an arrest warrant or a capias is outstanding has engaged in conduct which is grounds for suspension or revocation of the license and identification card issued to said licensee or agent.

Source Note: The provisions of this §N.10 previously adopted to be effective January 1, 2001

O.

**MISCELLANEOUS PROVISIONS**

1.

Where cash be posted in connection with a license and placed on time deposit, the interest there shall be posted with the bonds company.

Where as the bonds company has posted a certificate of deposit, interest earned shall be posted with the bonds company on a semi-annual basis.

**2.**

All fees collected by the Bail Bond Board may be used only to administer and enforce Chapter 1704 of the Texas Occupations Code and the Hays County Bail Bond Board rules, including reasonable and actual expenses for the board related to the collection and maintenance of collateral.

Source Note: The provisions of this §O.1 previously adopted to be effective January 1, 2001; Section O.2 added to authorize Board expenditures for the administration of Chapter 1704.

**P.**

**ADOPTION AND IMPLEMENTATION OF THE RULES AND REGULATIONS  
OF THE HAYS COUNTY BAIL BOND BOARD**

**1.**

As soon as practicable following the organizational meeting of this Board, the Board by resolution shall establish an effective date for the implementation of the procedures outlined by these Rules and Regulations and by the Texas Occupation Code, Chapter 1704.

Source Note: The provisions of this §P.1 previously adopted to be effective January 1, 2001

**2.**

The rules and regulations promulgated by this Board are in addition to the provisions of the Texas Occupation Code, Chapter 1704, and in case of a conflict, the statute will prevail.

Source Note: The provisions of this §P.2 previously adopted to be effective January 1, 2001

**3.**

All bail bonds outstanding at the time of the adoption, passage and implementation of these rules and regulations shall remain in full force and effect. All bail bonds shall continue to be posted in accordance with the usual custom until the effective date.

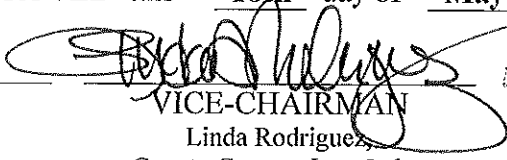
Source Note: The provisions of this §P.3 previously adopted to be effective January 1, 2001

NOTE ON RULE PROMULGATION AND EFFECTIVE DATES: AS INDICATED BY BOARD APPROVAL BELOW, UNLESS PROVIDED OTHERWISE BY SOURCE NOTES, ALL RULES CONTINUE IN EFFECT FROM JANUARY 1, 2001.

ENTERED AND APPROVED this 18th day of May, A.D., 2012.



CHAIRMAN  
John Bennett,  
Criminal Defense Attorney



VICE-CHAIRMAN  
Linda Rodriguez,  
County Court at Law Judge



SECRETARY  
Julie Villalpando,  
Lieutenant- Jail Operations

Updated May 18, 2012