

JEFFERSON COUNTY BAIL BOND BOARD
RULES AND REGULATIONS

Pursuant to the provisions of Chapter 1704, Texas Occupations Code (hereafter, the “Code”), as amended, the following rules and regulations are adopted to govern the taking of bail bonds in Jefferson County, Texas. In the event of a conflict between these rules and the provisions of Chapter 1704, the specific conflicting provisions of 1704 shall prevail. Any remaining non-conflicting provisions of these rules and regulations shall remain effective.

A.

ORGANIZATION OF THE BOARD

1.

This board shall be known as the “Jefferson County Bail Bond Board” (hereafter, the “Board”).

2.

The Board shall meet at least once a month, and at other times at the call of the presiding officer. Notice shall be given pursuant to the Texas Open Meetings Act. All notices shall be posted to the internet for posting to the Bail Bond Board webpage, or as directed by the County Clerk.

3.

The Board shall be composed of the following persons:

- (a) the Sheriff of Jefferson County or a designee from the Sheriff’s office who must be the Sheriff’s administrator or a deputy sheriff of the rank of at least sergeant;
- (b) a District Judge of Jefferson County having jurisdiction over criminal matters and designated by the presiding judge of the administrative judicial district;

- (c) the Jefferson County Judge or his designee;
- (d) a Jefferson County Court at Law Judge having jurisdiction over criminal matters and designated by the Commissioners Court;
- (e) the Jefferson County District Attorney or an assistant 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 Jefferson County Justice of the Peace;
- (h) the Jefferson County District Clerk or the Clerk's designee
- (i) the Jefferson County Clerk or the Clerk's designee
- (j) the presiding judge of the municipal court system or the principal municipality in the county, or a municipal judge from the system designated by the presiding judge;
- (k) the Jefferson County Treasurer or the Treasurer's designee; and
- (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 criminal defendants, or the designee of the elected criminal defense attorney.

4.

Annually, the Board shall choose one of its members to serve as chairman no later than the September meeting, to take office October 1st, until the next such annual election, unless he or she is sooner disqualified.

In like manner, the Board may choose a first vice-chairman who shall act in the temporary

absence of the chairman. In the event the chairman is disqualified for any reason before the end of his or her term, the first vice-chairman shall automatically become the chairman.

In like manner, the Board may choose a second vice-chairman who shall act as chairman in the temporary absence of both the chairman and the first vice-chairman. In the event the chairman is disqualified for any reason before the end of his or her term, and the vice-chairman automatically becomes chairman, in the event the first vice-chairman is disqualified before the end of his or her term, the second vice-chairman shall automatically become the first vice-chairman in either such event, or if the second vice-chairman become disqualified, at the next regular meeting a new second vice-chairman shall be chosen.

The Board shall retain a licensed attorney to serve as general counsel for the Board, said counsel's compensation to be negotiable. The chairman shall also appoint three staff members to conduct the business of the Board with regard to investigating complaints, verifying license requirements, and other business as required by the Board. These staff members are paid \$150.00 per pay period.

Four members of the board shall constitute a quorum.

All action by the Board shall require the vote of a majority of the members present.

5.

Those persons holding a valid bail bond license in Jefferson County shall annually select by secret ballot the representative of the license bail bond sureties to the Board. 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.

6.

All proceedings not governed by specific statutory provisions or rules of this Board shall be conducted in accordance with Robert's Rules of Order, and the presiding officer of the Board shall be ex officio Parliamentarian.

B.

BOARD POWERS AND DUTIES

1.

Administrative

The Board shall:

- deposit fees collected pursuant to Chapter 1704 of the Texas Occupations Code in an account designated exclusively for use by the Bail Bond Board;
- supervise and regulate each phase of the bonding business in Jefferson County;
- conduct hearings and investigations and make determinations relating to the issuance, denial, or renewal of licenses in Jefferson County;
- issue licenses to qualified applicants and deny licenses to unqualified applicants;
- conduct board business, including maintaining records and minutes.

2.

Enforcement

(a) The Board shall:

- enforce Chapter 1704 of the Texas Occupations Code in Jefferson County;
- conduct hearings and investigations and make determinations relating to license suspension and revocation;
- suspend or revoke a license for a violation of Chapter 1704 of the Texas Occupations Code

or a rule adopted by the Board pursuant to Chapter 1704; and

- require a record and transcription of each Board proceeding, which will be emailed prior to the next meeting.

(b) The Board may:

- compel the appearance before the Board of an applicant or license holder;
- 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; and
- conduct periodic inspections of the premises and records of licensed bail bond companies to assure compliance with these rules of the Texas Occupations Code.

3.

The Board shall post a rule adopted or an action taken by the Board on the Bail Bond Board webpage 10 (ten) days preceding the date the rule or action takes effect.

4.

The Board shall publish a list of Jefferson County bail bond licensees, showing the name, the agent of each corporate licensee, and the business name, business address, and business telephone number of each licensee or agent of a corporate licensee. The list shall be rotated each month, so that each licensee appears at the top of the list for one month, then is rotated to the bottom of the list. New licensees shall be added at the bottom of the list. The Board shall publish a new list each month or at any time there is a change to the list. The Board shall cause the list to be posted or available for inspection and review in a place designated by each Court having criminal case jurisdiction in Jefferson County and shall provide the list to the Jefferson County Sheriff for posting in each location where prisoners are examined, processed, or confined. If a licensee is suspended, revoked or placed in default at the time a new list is published, then said surety will be excluded

from the list. If a licensee has been reinstated after a suspension, revocation and/or default that resulted in his removal from the list, then such surety will be placed at the bottom of the list the month following reinstatement.

5.

A list of each licensed bail bond surety and each licensed agent of a corporate surety in a county must be displayed at each location where prisoners are examined, processed, or confined. No sheriff, peace officer, or his deputy or 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 be so marked, it shall be the responsibility of said peace officer or clerk to obtain a new unmarked list for display. No unlicensed person (even though exempt from licensing) may be placed on the list.

6.

The Board shall immediately notify each Court with criminal jurisdiction and the Sheriff of Jefferson County of:

- (a) the suspension or revocation of a license issued under this chapter; and
- (b) the revocation of the authority of a license holder's agent.

7.

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).

C.

LICENSING REQUIREMENTS

1.

A person may not act as a bail bond surety or an agent for a corporate surety in Jefferson County unless the person holds a bail bond license issued by the Board pursuant to Chapter 1704 of

the Code and these Rules and Regulations, or unless the person is an attorney licensed to practice law in this State who represents the defendant in the criminal case for which the bond was given.

2.

An individual or corporation seeking a bail bond license shall obtain an application from the Jefferson County Sheriff's Office and file a sworn application for licensure, accompanied by a \$500 application fee. An application for an individual or a corporate bail bond license shall be on the forms adopted and promulgated by this Board and in compliance with Section 1704.154, Texas Occupations Code. Each application shall also be accompanied by a list of non-exempt real property in compliance with Section 1704.155 of the Texas Occupations Code. Each application shall be submitted in the name of the individual or corporation seeking the license. Completed applications shall be submitted to the Board's secretary at the office of the Board as an original with fifteen (15) copies.

3.

Where an applicant proposes to do business under an assumed name, proof shall be submitted showing registration of such assumed name with the County Clerk of Jefferson County.

4.

An application must be accompanied by three letters of recommendation, each from a person who is reputable and 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. The letters must sufficiently identify the person who is writing the recommendation, and they must be dated within 30 days of the date the application is submitted. The letters must state that the applicant (or corporate agent, as applicable) has a reputation for honesty, truthfulness, fair dealing, and competency, and they must recommend that the Board issue the license.

5.

The Board shall cause an investigation to be made of each applicant and persons working with or for them as has been established by these rules or by resolution of the board or as is required by law.

The applicant shall be notified of any deficiencies in the application and given a reasonable opportunity to correct the deficiencies, not to exceed 30 days. Failure to comply will result in denial of the application without prejudice to re-file.

Upon completion of such investigation, the secretary shall furnish a copy of all relevant reports and a copy of the application to each member of the Board prior to the meeting at which the application is to be considered.

The application shall be considered at the first regular meeting of the Board after the investigation has been completed.

All applicants shall fully cooperate with the Board in the investigation of their qualifications and shall furnish such records and other information as shall be deemed by the Board to be necessary to complete the investigation.

6.

Each applicant shall be notified by the Board secretary to appear in person or, in the case of a corporation, by designated representative or agent, before the Board for interrogation under oath on the date his/her or its application is to be considered. If applicant does not appear in person, the application shall be tabled; no application will be considered without personal appearance.

7.

Discussion of applications and applicants shall be in open session.

8.

The Board shall vote on each application separately.

9.

Renewal applications must be received not earlier than the 61st day nor later than the 31st day prior to the expiration date of a license. All applications for renewal shall be accompanied by current appraisals on new or existing non-exempt property pledged in form and substance as determined by and as acceptable to the Board. Property pledged cannot have a second lien. Additionally, the property pledged must be the bondsman's property and, other than the first lien holder, cannot be in anyone else's name, custody and/or control. A renewal application shall be on the form provided by the board, and shall be accompanied by a renewal fee of \$500.

A license may be renewed for a period of 24 months from the date of expiration and may be renewed subsequently each 24 months in like manner; except that if a renewal applicant has held the license the applicant is seeking to renew for at least eight (8) consecutive years without having been suspended or revoked, the Board may renew the license for a period of 36 months from the date of expiration if the Board:

- (1) knows of no legal reason why the license should not be renewed; and
- (2) determines that the applicant has submitted an annual financial report to the Board before the anniversary date of the issuance of the applicant's license.

A license renewed for 36 months may be renewed subsequently each 36 months in a similar manner.

10.

Deeds of Trust

- (a) Deeds of trust executed under Section 1704.160(a)(1)(B) of the Code shall show the Jefferson County Bail Bond Board as beneficiary and be recorded in the County Clerk's Office of

where the property is located at the surety's expense. Upon filing of the Deed of Trust the original document shall be returned to the Jefferson County Treasurer's Office located at 1149 Pearl Street, Beaumont, Texas, 77701, no later than fifteen (15) days after the surety's license had been approved.

(b) Upon the written demand of a license whose real property the Board holds in trust, who discontinues the posting of bail (either voluntarily or otherwise), and who qualifies under Section 1704.210 of the Code for a return of his or her security, the presiding officer of the Bail Bond Board shall execute a release in proper form and provide the release to the licensee to be recorded in the real property records of Jefferson County, Texas.

(c) All yearly tax statements shall be delivered to the Jefferson County Treasurer by February 1st for any and all property pledged as collateral.

(d) All current insurance policies shall be delivered to the Jefferson County Treasurer by February 1st for any and all collateralized property containing a dwelling.

(e) All collateral releases are to be approved by the Board in the form of an agenda item at the next month's meeting of the Board. If the bondsman requests that the release be considered immediately, an emergency meeting can be conducted by telephone or electronically, and the release will be approved or denied with a majority vote of those board members responding within the specified response time, and in no instance shall an electronic quorum consist of less than four voting members. In the event there is not an approval, the matter will be placed on the agenda for the next meeting of the Bail Bond Board.

11.

(a) No person shall be licensed unless the Board determines that he or she possesses a reputation for honesty, truthfulness, competency and fair-dealing.

- (b) No person shall be licensed who has been found by a Court to be bankrupt or insolvent, who has not been finally discharged from bankruptcy and whose financial obligation to the Board has not been discharged.
- (c) No person shall be licensed who shall have been finally convicted after August 27, 1973, of a felony or a misdemeanor involving moral turpitude in any jurisdiction, unless the person was subsequently pardoned.
- (d) No person shall be licensed who has in his or her employ a person who has been finally convicted of a felony offense or a misdemeanor involving moral turpitude in any jurisdiction, unless the employee was subsequently pardoned. Each licensee shall obtain a background investigation record on each employee from the Texas Department of Public Safety evidencing that no employee is disqualified under this paragraph. The cost of such background investigation shall be borne by the surety.
- (e) No person shall be licensed unless the individual is a resident of this State and a citizen of the United States.
- (f) No person shall be licensed unless the individual is at least 18 years of age.
- (g) No person shall be licensed unless the individual possesses sufficient financial resources to meet the security requirements of Section 1704.160 of the Code, unless the person is acting only as an agent for a corporation holding a bail bond license.
- (h) No person shall be licensed unless the person deposits security in the form of a cashier's check or certificate of deposit with the Jefferson County Treasurer, or executes a deed to non-exempt real property in trust to the Board, with a value that is sufficient to meet the security requirements of the Code. A license holder must maintain the required amount of security during the time he or she holds the license.

- (i) No corporation shall be licensed unless:
 - (1) it is chartered or admitted to do business in this State, and
 - (2) it is qualified to write fidelity, guaranty, and surety bonds under the Texas Insurance Code.
- (j) No person shall be licensed unless the person has, in the two years preceding the date a license application is filed, at least one year of continuous work experience in the bail bond business; verification of all bail bond work experience in form and substance acceptable to the Board shall accompany the application.
- (k) No person shall be licensed unless the person has, in the two years preceding the date a license application is filed, completed 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 offered by an accredited institution of higher education in the State.
- (l) No person shall be licensed if the applicant has an unpaid final judgment in Jefferson County, Texas that has been unpaid for more than 30 days, and that arose directly or indirectly from a bond executed by the applicant as a surety or as an agent for a corporate surety, unless the applicant has deposited with the Court cash or a supersedeas bond in the amount of the final judgment pending a ruling on a timely filed motion for new trial or an appeal of the judgment.

D.

BONDING BUSINESS

- (a) The sheriff shall accept or approve a bail bond executed by a person who holds a bail bond license in Jefferson County if the bond is written for a felony or misdemeanor case, the bond is executed in accordance with the Code and these rules, and a bond is required as a condition of release for the defendant for whom the bond is executed.

(b) No bond shall be effective until approved by the sheriff of Jefferson County, Texas or an authorized deputy.

2.

All licensees shall maintain records of every bond executed by the licensee. Such records shall include the following information:

- the style and number of the case and the Court in which the bond is executed, when available;
- the name of defendant released on bond;
- the amount of bail set in the case;
- the amount and type of security held by the license holder; and
- a statement of whether the security held by the license holder is for the payment of a bail bond fee or to assure the defendant's appearance in court, and the conditions under which the security will be returned.

3.

The records shall be maintained at the license holder's office location in Jefferson County, and shall be made available for inspection and/or copying by the Board or its authorized representative.

4.

In the event a licensee arranges for and pays the expense of extradition of a defendant, the Court having jurisdiction over the forfeiture may, in the Court's sole discretion, consider such fact in a judgment nisi proceeding.

E.

TAKING OF BAIL

1.

Bail posted in Jefferson County shall be posted only on the applicable forms promulgated and approved by the Board.

2.

(a) All licensed bondsmen and agents for corporations licensed under these provisions will be issued an identification number from the Bail Bond Board. This identification number must be present on each bond.

(b) The above-mentioned identification number shall be issued to licensed bondsmen or to designated agents for corporations licensed under these provisions upon original issuance or renewal of a license.

(c) Attorneys posting surety bonds must present their bar cards each time a bond is made.

(d) If a bail bond surety uses a runner for bonding activity, the Sheriff's Office may require identifying information sufficient to perform a background check on the runner and has authority to restrict or refuse to allow the runner to perform such activity.

3.

No agent of a corporate licensee will be permitted to sign as surety any bail bond unless the agent is listed as such in the application for a license submitted by the licensee.

4.

Each corporate licensee who permits its designated agent to sign as surety on bail bonds must have a power of attorney designating the agent of the corporation authorized to execute bail bonds on behalf of the corporation on file with the Jefferson County Clerk before the agent will be permitted to sign as surety on any bail bonds. A copy of such power of attorney shall be filed with the secretary of the Board. A corporation may limit the authority of a designated agent by specifying the limitation in the power of attorney that is filed with the County Clerk and the Board.

No power of attorney may be revoked except by a written revocation filed with the Jefferson County Clerk. A copy of any such revocation must also be filed immediately with the secretary of the Board.

5.

All licensees and agents of corporate licensees are required to have on file in the Sheriff's office a signature card before they will be permitted to sign any bail bond as a surety. The Jefferson County Sheriff's Office shall maintain a list of approved runners for bail bond sureties, and no person may perform bonding activity on behalf of the surety unless his or her name appears on such list.

6.

All bail bonds made in Jefferson County shall be made in the Sheriff's office, Jefferson County Courthouse, 1st Floor, 1001 Pearl Street, Beaumont, Texas, 77701, or at the Jefferson County Correctional Facility, Highway 69, Beaumont, Texas.

7.

Except as permitted by Section 1704.163 of the Code, no unlicensed person may sign as a co-surety on a bail bond, and the Sheriff of Jefferson County shall not accept any bail bond upon which appears the signature of an unlicensed person who is not exempt from licensure under Section 1704.163, and who is purporting to be bound as a co-surety.

8.

An attorney surety who posts a bond must certify that he or she represents the defendant for whom the bond is posted in the criminal case for which the bond was given.

9.

A license holder shall maintain an office in the county in which the license holder holds a license. 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 secretary of the Board of the location of the office.

F.

ADVERTISING

1.

(a) Advertisements on behalf of a bail bond surety in print, broadcast, or internet media shall contain enough information to identify the surety, including, but not limited to the following information:

- For an individual license, the proper name of the licensee, and the counties in which he or she is licensed;
- For a corporate licensee, the proper name of the corporation's agent for writing bonds, and the county in which the license was issued for that agent; and
- For an attorney surety, the proper name of the attorney.

Such advertisements may contain additional information that is not misleading, including, as permitted by law or other applicable regulation, an assumed name that has been properly registered with the Jefferson County Clerk's Office.

(b) Attorney sureties must comply with all applicable statutes and the rules of the State Bar of Texas regarding attorney advertising.

(c) If an attorney surety chooses to advertise in the section of the telephone directory or internet yellow pages that relates to bail bond sureties, such advertisement must clearly indicate that the attorney is writing bonds as an attorney surety, and that an attorney may only write bonds for

persons he or she represents in the criminal case for which the bond was given.

(d) Advertisements may not misrepresent the authority of a surety.

G.

PROHIBITIONS AND PENALTIES

1.

In the event any licensees, licensees' agent, surety or surety's agent's check is returned for insufficient funds to pay a debt to Jefferson County in any way related to any fee, fine, assessment, bond forfeiture, application or other monetary payment, all payments made thereafter shall be made by cashier's check or money order.

2.

If a surety's monthly report to the Board reflects bonding activity in excess of the statutory limits of the security posted by the surety, the surety is automatically suspended from further bail bond activity. The surety's privilege to post bonds may be reinstated upon presentation of proof of compliance with his or her posting limits to the secretary of the Board.

3.

Complaints against bail bond licensees shall be lodged on the Bail Bond Complaint form promulgated by the Board. All such complaints shall be notarized and presented to the Bail Bond Board investigator.

4.

(a) The Board may suspend or revoke the bonding privilege of any licensee if the licensee or his agent engages in any conduct related to the bail bond business determined to be adverse or detrimental to any individual, law enforcement agency or to the business of issuing bail bonds.

(b) 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 either under these rules or the applicable provisions of the Texas Occupations Code. 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.

THE END