

HIDALGO COUNTY BAIL BOND BOARD

LOCAL RULES

The following rules have been adopted by the Hidalgo County Bail Bond Board (“The Board”) in July 2000, and July 2017. They relate to applicants for licensed bondsmen, agents of corporations and employees of licensees. *Any rule can result in such sanctions as the Board may enforce under Chapter 1704, REGULATION OF BAIL BOND SURETIES, TEXAS OCCUPATIONS CODE, (V.T.C.A.) or under applicable Texas law.* These Local Rules may be updated and/or revised when needed or at least bi-annually to coincide with the legislative sessions to include new and/or changes to currently related statutes.

DEFINITIONS:

“**LICENSEE**” means an individual or corporation licensed by the Hidalgo County Bail Bond Board in Hidalgo County, Texas.

“**AGENT**” means an individual who has been designated in an application filed by a corporation and approved by the Hidalgo County Bail Bond Board.

“**EMPLOYEE**” is an individual who has been approved by the Hidalgo County Bail Bond Board to work in an office of a licensed entity.

RULES:

NEW OR RENEWAL APPLICATIONS:

(1) No application for a New bail bond license or Renewal of a bail bond license will be brought before the Board for consideration until it is properly completed with **all** required attachments and the applicant is confirmed to have complied with Chapter 1704.152 (a)(4)(A) and the application has been on file with the Secretary of the Board at least *thirty (30) days prior* to consideration. It is the obligation of the applicant to see that the application is properly completed before consideration.

(2) The application must be submitted to the Secretary of the Hidalgo County Bail Bond Board ***with a copy for each voting member of the Board.***

(3) No more than one (1) bail bond license will be issued to any one (1) person or entity.

(4) New and Renewal applications will be considered as per Chapter 1704, REGULATION OF BAIL BOND SURETIES, TEXAS OCCUPATIONS CODE, (V.T.C.A.).

(5) The application fee (\$500.00) submitted with the application for a New or Renewal license is non-refundable in the event the application is not approved or refused. An application that is *withdrawn* by the applicant prior to the board's hearing shall not be considered by the Board, and the application fee shall be returned by methods that are in place by the County Treasurer's Office and the Auditor's office through accounts payable.

The Applicant for an original bail bond surety license or for the renewal thereof shall attend the meeting of the HCBBB at which the application shall be considered. If Applicant is unable to attend, his/her attorney or authorized legal representative, may appear on the applicant's behalf. If neither the applicant nor their attorney is present, the HCBBB may use the following methods at the discretion of the Chairman: electronic, telephonic, video conferencing, or whatever technology is available. If none are available, the options are to either table the discussion until a future meeting or simply deny the original or renewal application.

Applicant and all employees/agents of the applicant shall have a criminal background check conducted, whether an original or renewal application is being submitted, **prior to** the Bail Bond Board meeting to ensure compliance with Texas Occupations Code §1704.153.

As per Chapter 1704.152, all education eligibility requirements must be met. All applicants must submit documentary evidence that, in the two years preceding the date a license application is filed, the individual:

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

(6) The Board shall conduct sworn voir dire examinations in application for new and/or renewal of licenses. The examination will include matters such as but not limited to violations of any laws, rules or regulations.

(7) Any collateral of any kind submitted to obtain or renew a license cannot be changed, substituted, or modified as that action might affect the Board's rights of execution against it. Any change, substitution or modification of collateral must have written board approval.

(8) When applicants or licensees submit real property as collateral, it must have a minimum appraised value of fifty thousand dollars (\$50,000) and be re-appraised upon renewal or upon request by the Board.

- (9) Real property deeded in trust to the HCBBB must meet the following requirements:
- A. Property must be located in Hidalgo County, Texas.
 - B. Such property cannot be exempt from forced sale.
 - C. Such property must be unencumbered.
 - D. The following documentation must be submitted:
 - (1) Original or certified copy of Warranty Deed executed and filed in the name of the applicant or licensee; and
 - (2) Title Policy specifying that there are no outstanding liens against the property other than the Board's Deed of Trust, and each licensee must submit a title report showing no outstanding liens against the property other than the Board's Deed of Trust, at the renewal of the license.
 - E. All submitted real estate shall be appraised as follows:
 - (1) 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) Is on the current list of approved appraisers provided by the County Clerk annually at the January meeting of the Hidalgo County Bail Bond Board; or
 - (3) The value according to a statement from the county's most recent certified tax appraisal roll.
- (10) When an applicant or licensee relies upon other than real property as collateral, a minimum of fifty thousand dollars (\$50,000) in cash, Cashier's Check, or Certificate of Deposit shall be placed on deposit with the Hidalgo County Treasurer. However, when the applicant or licensee is a corporation surety, a Certificate of Deposit in the amount of fifty thousand dollars (\$50,000) shall be placed on deposit with the Hidalgo County Treasurer. No monies or real estate which is held as collateral will be withdrawn without formal Board approval.
- (11) No Agent, with the exception of a corporate agent, may execute bonds for any surety unless:
- A. Such person acting as surety is individually licensed pursuant to Chapter 1704, Sections 1704.151 and 1704.163, Regulation of Bail Bond Sureties, Texas Occupation Code (V.T.C.A.);
 - B. Such agent must also be specifically designated in the surety's license application.

(12) In the event the applicant is a corporate surety:

- A. Before any designated agent may execute bonds on behalf of a licensed corporate surety, there must be filed as directed by the Board a General Qualifying Power of Attorney for the agent. Such Power of Attorney may be revoked only by a timely 30-day certified written notice signed by an Officer of the Corporation to the Chairman of the Hidalgo County Bail Bond Board and the Hidalgo County Sheriff's office.
- B. All licensees and agents of corporations who execute bonds on their behalf are required to have on file, as directed by the Board, a current signature card before they will be permitted to execute bonds.

(13) The person applying for a bail bond license or the designated agent of a corporation seeking application for a license **must** be a resident of Hidalgo County.

(14) A licensee may not office or conduct bail bond business from any building which

- A. Has a common entrance in which a licensed attorney conducts any part of his/her practice;
- B. Has a common entrance or is adjoined to a building where persons in the custody of law enforcement officials are arraigned, processed or detained.
- C. No licensee, agent of a corporation, employee of a bondsman, individual or person may solicit bail bond business in a police station, jail, prison, detention facility, or other place where persons in the custody of law enforcement officials are detained.
- D. No licensee, agent of a corporation, employee of a bondsman, individual or person may solicit bail bond business in any manner while on city, county, or state property where persons in the custody of law enforcement officials are detained.

(15) Each licensee or agent of a corporation who uses an assumed name must submit to the Board a valid Assumed Name Certificate or certified copy thereof properly filed with the Hidalgo County Clerk.

(16) All corporate sureties are required to designate the local agent appointed by the company for writing bonds as the local agent for service of process in bond forfeiture cases. The designation must be made by one of the following of the corporate surety:

- A. the Chairman of the Board of the corporate surety; or
- B. the President of the corporate surety.

(17) A licensee is responsible to insure that his/her employees comply with Chapter 1704, Regulation of Bail Bond Sureties, Texas Occupation Code (V.T.C.A.) and the local rules and bylaws of the Hidalgo County Bail Bond Board.

- A. An individual or agent for a corporate surety who is applying for a new or renewal license is instructed that he or she must submit a background check to the board showing that they are not disqualified under Texas Occupations Code Section 1704.153; an individual who seeks to be employed by a licensed bondsman or an agent for a corporate surety must first submit to a background check showing they are not disqualified under Texas Occupations Code Sections 1704.302;
- B. Background checks (including State or Federal Criminal) along with fingerprints for individuals will be conducted through the Texas Department of Public Safety's Identogo by Morpho Trust USA program. Information on how to complete the background check may be found by going online to www.identogo.com or calling the following number for more information: 1-888-467-2080.
- C. Once the individual has received the required documents they shall be submitted to the secretary of the bail bond board, along with a request for the appropriate item to be placed on the next meeting of the HCBBB for consideration and approval.

(18) Each licensee, agent of a corporation, and employee is required to read and sign a sworn copy of the Hidalgo County Bail Bond Board local rules and bylaws and Texas Occupations Code Chapter 1704 prior to being approved.

(19) Each licensed bail bondsman is required to comply with the records requirements prescribed herein:

- A. A licensed holder shall maintain
 - 1. a record of each bail bond executed by the license holder; and
 - 2. a separate set of records for each county in which the license holder is licensed.
- B. The records required to be maintained under this section must include for each bail bond executed and enforced as follows:
 - 1. the style number of the case and the court in which the bond is executed;
 - 2. the name of the defendant released on bond;
 - 3. the amount of bail set in the case;
 - 4. the amount and type of security held by the licensed holder; and
 - 5. statement of
 - a) whether the security held by the license holder is
 - i) for the payment of a bail bond fee; or
 - ii) to assure the principal's appearance in court; and

- b) the conditions under which the security will be returned.
- C. A licensed holder shall, before renewing a license, submit for inspection to the Board, or a person designated by the Board, the records required under this section.
- D. The records required under this section shall be made available for inspection on demand by the Board or an authorized representative of the Board. This is to become effective on September 1, 2000 and thereon.

REGULATORY PROVISIONS:

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

(21) No licensee, agent for a corporation, representative, or employee of a licensee may convey, give or pass anything of value to any non-licensee or entity for the referral of bail bond business.

(22) All bail bonds shall be accepted only in the bonding office of the Sheriff of Hidalgo County, Texas (“the Sheriff”).

(23) All bail bond companies are required to use the promulgated bail bond form that has been approved for use by the Hidalgo County Bail Bond Board.

DEFAULT ON BOND:

(24) Pursuant to Article 17.11 of the Texas Code of Criminal Procedure a person or licensee who has signed as a surety on a bail bond and is in default thereon shall thereafter be disqualified to sign as a surety so long as the person is in default on the bond.

(25) Pursuant to section 1704.212 of the Texas Occupations Code a licensee shall be considered in default for the following reasons:

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

(26) Failure to pay a final judgment on a forfeiture of a bail bond by the 11th day after the final judgment will result in licensee being immediately disqualified from signing as a surety, unless the licensee has filed an appeal and deposits cash or a supersedeas bond in the amount of the final judgment with the court in which the bond is executed.

(27) A licensee’s disqualification will not be predicated upon formal or informal notice from the Board to the licensee.

(28) A licensee will be considered in default if the licensee fails to deposit the statutorily required cash deposit or supersedeas bond pending appeal.

(29) Pursuant to section 1704.212 of the Texas Occupations Code, a licensee may not act as a bail bond surety in a county in which the corporation is in default on five or more bail bonds, regardless if the surety has placed a cash deposit or supersedeas bond for all five or more defaults, the surety is still prohibited from acting as a surety by law. (30) A licensee who is in default on five or more bail bonds in Hidalgo County will be disqualified for signing as a surety on another bond in Hidalgo County.

(31) Hidalgo County District Clerk's Office and the Hidalgo County Clerk's Office shall deliver written notice of default to:

- A. the Hidalgo County Sheriff's Office;
- B. the Hidalgo County Bail Bond Board; and
- C. the Hidalgo County District Attorney's Office.

(32) The Hidalgo County District Attorney's Office will notify (1) the Hidalgo County Sheriff's Office and (2) the Hidalgo County Bail Bond Board of any past due judgments or any failure by a licensee to pay a final judgment on a forfeiture of a bail bond.

(33) The Hidalgo County Sheriff's Office is required to deny the availability to post bonds to a licensee or bail bond company/licensee/surety who is disqualified from executing a bond.

(34) The Hidalgo County Sheriff's Office may refuse a disqualified licensee with informal notice or formal notice.

FAILURE TO PAY FINAL JUDGMENT:

(35) Pursuant to Section 1704.204 of the Texas Occupations Code, Payment of Final Judgment, all licensees shall pay a final judgment on a forfeiture of a bail bond executed by the licensee not later than the 31st day after the date of the final judgment unless a timely motion for a new trial has been filed. If a timely motion for a new trial or a notice of appeal has been filed, the person shall:

- A. pay the judgment not later than the 31st day after the date the motion is overruled, if the motion is overruled; or
- B. deposit with the court cash or a supersedeas bond in the amount of the final judgment, if an appeal is filed.”

(36) If a license holder fails to pay a final judgment, as required, by the 31st day after the date of the final judgment, the judgment shall be paid from the security deposited or executed by the license holder under Section 1704.160 of the Texas Occupations Code.

(37) A licensee may be temporarily suspended with informal notice: When a bondsman fails to pay within thirty (30) days any final bond forfeiture judgment. When a licensee holds more than one license and is in default on any of the licenses, all licenses will be temporarily suspended. The Chairman and the District Attorney shall notify the Sheriff to temporarily suspend any licensee who has not paid final judgment within thirty (30) days.

(38) A licensee, agent for a corporation, or employee of a bonding company presenting a bail bond to the Hidalgo County Sheriff's bonding department for approval must present a current bail bond identification card to the deputy processing the bond. Failure to present the identification card upon request may result in the bail bond not being accepted until such identification is presented.

(39) No bonding company may execute a bail bond if the amount of license holder's current total liability on Judgments Nisi equals or exceeds twice the amount of security deposited or executed by the license holder under Section 1404.160 (V.T.C.A.).

(40) A licensee or agent of a corporation must return to the payor all fees and/or collateral tendered for the purpose of making or executing a bail bond when no bond is posted by the licensee within twenty four (24) hours of the fee being paid. The licensee or agent of a corporation may retain a portion of the tendered fees to compensate for expenses incurred, but may not keep more than twenty five dollars (\$25.00) when the expenses cannot be proven upon presentation of receipts indicating actual monies expended. If the fees or property cannot be returned because the payor cannot be located, or for other good cause, the licensee or agent of a corporation shall make a written record of his efforts to return the fees or collateral and such record shall show when the fees or collateral will be returned and such record shall be a permanent part of the payor's file.

CRIMINAL BACKGROUND CHECKS:

(41) No licensee shall employ, as an agent or employee, any person who after August 27, 1973, commits or had committed an offense for which he/she had been finally convicted of a misdemeanor involving moral turpitude or a felony. For purposes of this rule a final conviction means a conviction from which any rights of direct appeal have been exhausted.

(42) Before assuming the duties of Licensee or Agent, as defined under these rules, they must pass a criminal background check conducted by the Department of Public Safety and fingerprints conducted by the Hidalgo County Sheriff's Department if no other means of obtaining such fingerprints is available. Both items must be provided to the Secretary of the HCBBB prior to the scheduled meeting for approval. Upon passing the background check and board approval, the Licensee or Agent shall be placed on the Hidalgo County Sheriff Department's list of approved Licensees/Agents who are allowed to perform their respective duties in Hidalgo County (See Item 17).

TERMINATION OF AGENT/EMPLOYEE:

(43) Licensee must immediately notify the Hidalgo County Sheriff's Department when an employee is no longer employed by Licensee and copy the Secretary of the HCBBB.

BAIL BOND BOARD MEETINGS:

(44) Hidalgo County Bail Bond Board meetings are held on the first (1st) Tuesday of each month at 3:00 p.m. at a place determined by the HCBBB.

(45) It is the policy of the Board to post the agenda for its monthly meeting on the Thursday preceding the monthly Bail Bond Board meeting.

(46) Parties interested in having items placed on the agenda for the monthly meeting must comply with the following conditions:

The requested item must be sent in writing to the Chairman of the Board **and** the Secretary no later than seven (7) days prior to the date of the meeting.

- **PLEASE NOTE: Any agenda item request that is received after the deadline will be placed on the following month's agenda.**

ELECTION OF LICENSED BONDSMEN REPRESENTATIVE & CRIMINAL DEFENSE ATTORNEY:

(47) The County Clerk will conduct the aforementioned elections simultaneously beginning the first full week in December, Monday thru Friday, 8:00 a.m. to 5:00 p.m., by providing the ballots to all eligible voters in both categories and placing them in a locked box. Ballot canvassing will be the following Monday at the County Clerk's office at 3:00 p.m. and conducted by the Chairman, Vice Chairman, and Secretary. The duly elected representative of the licensed bondsmen and the criminal defense attorney will serve from January through December of each year.

COMPLAINTS AGAINST A BONDING COMPANY/BAIL BONDSMAN

(48) A formal sworn statement/complaint will be provided to the Chairman in person, by mail, fax, or email as per instructions provided with the form. Said form will be posted on the County's website under the Bail Bonds page or provided by the Chairman or Secretary of the HCBBB upon request.

WITHDRAWAL OF SECURITY:

(49) A license holder may withdraw the security or a portion of the security deposited or executed under Section 1704.160, and the security shall be returned to the license holder or the license holder's heirs or assigns, if the person requesting the withdrawal is:

(1) A license holder in good standing and the amount of the security remaining after the withdrawal is:

- (a) at least the minimum amount required by Section 1704.160; and
- (b) an amount sufficient to maintain the ratios required by Section 1704.203; or

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

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

The Hidalgo County Bail Bond Board (HCBBB) limits the number of times that security may be returned to a license holder under this section to no more than once in a calendar year.

ACKNOWLEDGMENT FORM

Applicant has read and fully understands each of the Hidalgo County Bail Bond Local Rules and Regulations.

Applicant understands that each such rule and regulation is a condition to applicant, licensee, and agent for a corporation, or employee of a bondsman being allowed to engage in the Bail Bond business in Hidalgo County, Texas.

Further, applicant does hereby agree and acknowledges that a violation of any of these rules and regulations will allow the Hidalgo County Bail Bond Board on its own motion, and shall on receipt of a sworn complaint providing reasonable cause to believe that a violation of Chapter 1704, Regulation of Bail Bond Sureties, Texas Occupations Code, (V.T.C.A.) or these local rules and regulations has occurred or on the request of a court, investigate the actions and records relating to such complaint against any licensee, agent of a corporation or employee of a bondsman. The Board may, after notice and hearing, suspend or revoke a license for violation of a provision of Chapter 1704, Regulation of Bail Bond Sureties, Texas Occupations Code, (V.T.C.A.), or a rule prescribed by the Board during the term of the license sought to be suspended or revoked or during any prior licensing period.

APPLICANT HAS READ AND FULLY UNDERSTANDS EACH OF THE ABOVE LOCAL RULES AND ATTESTS COMPLIANCE WITH SAID RULES AND REGULATIONS.

Signature of Owner/Agent/Employee

Print Name

Bonding Company: _____

License Number: _____

Title: _____

SIGNED and SWORN BEFORE ME, the undersigned authority, on this the ____ day of _____, 20__.

Notary Public in and for Hidalgo County, Texas