

SUBJECT: Requiring notice when a bail bond surety is in default

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 7 ayes — Herrero, Carter, Burnam, Canales, Hughes, Schaefer, Toth
0 nays
2 absent — Leach, Moody

WITNESSES: For — Scott Walstad, Professional Bondsmen of Texas; (*Registered, but did not testify*: Ken Good; John McCluskey; Don McFarlin and Joe Valenzuela, Professional Bondsmen of Texas)
Against — None

BACKGROUND: Code of Criminal Procedure, art. 17.11 governs sureties for bail bonds. Under sec. 2, a surety, such as a professional bail bond agent that is in default on a bail bond is disqualified to sign as a surety on any other bail bond. The clerk of the court is required give notice in writing of a default to the sheriff, chief of police, or other peace officer but not to provide notice to the bail bond agent, which would hasten payment of bail bonds in default and enable bail bond agents to continue to act as sureties.

DIGEST: HB 1562 would require the clerk of a court where a surety was in default on a bail bond for an offense other than a class C misdemeanor (maximum fine of \$500) to send notice of the default by certified mail to the last known address of the surety.

The bill would take effect September 1, 2013, and would apply only to a bail bond that was executed on or after that date.