

## **Rules and Regulations of the Collin County Bail Bond Board**

Pursuant to the provisions of Chapter 1704, Texas Occupation Code, (hereinafter referred to as the “Act”) as amended, the following rules and regulations are established to govern the setting and taking of bail bonds in Collin County, Texas.

### **1. Organization of the Board**

1.1. This Board shall be known as “The Collin County Bail Bond Board” (hereinafter referred to as the “Board”).

1.1.2 In the interest of full public disclosure and to promote the public’s faith and confidence in the actions of the Collin County Bail Bond Board, a Collin County Bail Bond Board Member that has any non-occupational interest, whether personal, pecuniary, or other interest that is independent of the member’s involvement with the Collin County Bail Bond Board, in a matter before the Collin County Bail Bond Board shall, prior to any discussion or action by the Collin County Bail Bond Board, or at the earliest time the interest becomes known to the member, disclose the nature and extent of the interest to the Collin County Bail Bond Board either orally in an open meeting or in writing.

1.2. This Board shall meet at least once a month after notice shall have been given 72 hours previously stating, generally, the nature of the business to be conducted.

1.3. Meetings shall be held where the call shall specify.

1.4. All notices shall be posted on the bulletin board on the first floor of the Collin County Courthouse, McKinney, Texas

1.5. The Office of the Board shall be the Office of the Sheriff.

1.6. The Board shall be composed of those persons named by statute and designated and/or elected as follows.

(a) Designees shall be named by their elected official by filing a letter of designation with the Board, which shall remain effective until revoked in writing by said elected official. New designations shall be presented to the chairman prior to the roll call of any meeting.

(b) The Board shall annually conduct a secret ballot election to elect the member of the Board who serves as the representative of the licensed bail bond sureties. Each individual licensed in Collin County as a bail bond surety or agent for a corporate surety is entitled to cast one vote for each license held. Votes shall be cast by submitting a SECRET BALLOT FOR LICENSED BAIL BOND SURETIES, which will be provided to each license holder by the Board Secretary after the scheduled October Board meeting. The SECRET BALLOT must be returned to the Board Secretary before the December scheduled Board meeting. The results of the vote will be announced at the scheduled December Board meeting and the surety representative elected will begin their term at the next scheduled January Board meeting.

(c) The Board shall annually conduct a secret ballot election to elect the member of the Board who serves as the representative of the criminal defense attorneys who practice in Collin County. Each attorney who has a principal place

of business located in Collin County and who is not legally prohibited from representing criminal defendants in Collin County is entitled to cast one vote to elect the board member who is the criminal defense attorney representative. Votes shall be cast by submitting a SECRET BALLOT FOR CRIMINAL DEFENSE ATTORNEY, which will be made available to each eligible criminal defense attorney by the Board Secretary, with assistance from the currently elected criminal defense representative, after the scheduled October Board meeting. The SECRET BALLOT must be returned to the Board Secretary one week before the December scheduled Board meeting. The results of the vote will be announced at the scheduled December Board meeting and the criminal defense attorney representative elected will begin their term at the next scheduled January Board meeting.

(d) Each elected Justice of the Peace in Collin County who is not legally prohibited from voting in an election for the purpose is entitled to cast one vote to elect the Board member who is the Justice of the Peace representative. The Justices of the Peace will provide the results of their election to the Board Secretary before the December scheduled Board meeting. The results of the vote will be announced at the scheduled December Board meeting and the Justice of the Peace representative elected will begin their term at the next scheduled January Board meeting.

(e) If there is a vacancy or resignation during the elected term, the Board shall call for a special election to fill the vacancy.

1.7.1. In January of each year, the Board shall choose one of its members by secret ballot to serve as chairman until the next such annual election, unless he is sooner disqualified.

1.7.2 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 is 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.

1.7.3. In like manner, the Board shall choose a secretary who shall be responsible for supervising the receipt of applications; the preparations of 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 general matters not otherwise specifically assigned by these rules and regulations. The secretary need not be a member of the Board.

1.7.4. The Criminal District Attorney of Collin County, or his designee, shall be general counsel for the Board.

1.8. Four members of the Board shall constitute a quorum.

1.9. All action by the Board shall require the vote of a majority of the members present. Any action calling for the approval of an application, the release of any security (whether cash, certificate of deposit, or trust deeds), the designation or authorization of any person to act on behalf of the Board, and any other action deemed appropriate by the Board,

shall be by formal written order signed by all members present and voting in favor of the action.

1.9.1. The Chairman of the Board or his designee shall have the authority to take action in furtherance of the goals of the Board when such actions do not need a vote of the Board. Such actions include, but not limited to, signing agendas, signing releases of property or surety which have been previously approved by the Board, signing Notices and Orders for appearances at Board meetings and hearings, receiving and processing applications, responding to Public Information Act requests, and all other general matters not specifically assigned by these rules or applicable law.

1.10. 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 ex-officio Parliamentarian.

1.11. All written orders of the Board shall be filed with the County Clerk.

## **2. Licensing Regulations**

2.1. Applications for Bail Bond License shall be on the form adopted by this Board and set forth as Appendix A to these rules and regulations.

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

2.3. 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 Collin County.

2.3.1 The name under which a bail bond business will be conducted must be distinct from any currently licensed bail bond business operating in Collin County. The Board shall have the discretion on a case by case basis to determine if the name is sufficiently distinct.

2.4. Each application shall be submitted in the name of the individual or surety corporation seeking the license.

2.5. A separate application shall be submitted for each agent designated in a power of attorney.

2.6. If a licensee revokes or withdraws the authority of any of its agents to make bail bonds on its behalf, said licensee shall surrender to the Bail Bond Board (on the effective date of revocation of such authority) the official identification card previously issued said agent, unless good cause can be shown why such card cannot be surrendered.

2.7. Each applicant shall include the name and address of an agent for service of process in Collin County, TX.

2.8. Applications shall be submitted to the office of the board with an original and one copy. A non-refundable \$500.00 filing fee as required by TEX. OCCUPATIONS CODE Section 1704.154(b)(4)(D) shall be submitted with each original application. Such \$500.00 filing fee shall be paid by either a cashier's check or money order. The Board will not accept any personal or business checks.

2.9.1. The Board shall refer all applications to an investigating officer designated by the County Judge of Collin County who shall review and investigate each application and applicant. For purposes of this investigation, the term "Applicant" shall include all persons acting in concert with the applicant.

2.9.2. 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.

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

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

2.10. Each applicant shall be notified by the secretary to appear in person, or in the case of a corporation, by 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.

2.11. Discussion by the full Board of applications and applicants shall be in open session.

2.12. The Board shall vote on each application separately. The formal action of the Board shall be stated by written order signed by all members present and voting in favor of the prevailing action. In the case of an order tentatively approving the application, the order shall include the name, license number, and form of security to be tendered.

2.13. Original applications will be received no less than 30 days prior to any board meeting. Renewal applications will be received not more than 90 days or less than 30 days prior to the expiration date of a license. All applications shall be on the forms provided by the Board, and shall be accompanied by an application fee of \$500.00. Any amendment and/or supplementation to an original and/or renewal application shall be received no less than fifteen (15) days prior to any board meeting to consider the application. Each applicant may submit one amendment and/or supplementation at no cost. Each subsequent amendment and/or supplementation shall be accompanied by a fee of \$100.00. No more than three amended or supplemental applications may be submitted.

2.14.1. Trust deeds executed under Sec. 1704.160 of the Act shall be recorded by the Board in the deed records of the county where the real property is located, and once filed, a copy of same shall be provided to and maintained by the Board and Collin County Clerk's office.

2.14.3. Upon the demand of a licensee who discontinues the posting of bail (either voluntarily or otherwise) and who qualified under the act for a return for his security, the Board shall execute a release in proper form to be recorded in the deeds records. The release shall be executed by the person authorized to do so by written order by the Board.

2.14.4. An applicant or license holder who seeks to execute in trust to the Board nonexempt real property as security in accordance with Texas Occup. Code Section 1704.160 shall submit a Spousal Consent to Convey Real Property form for each such nonexempt real property, whether as part of the original application, renewal application, or any time additional nonexempt real property is sought to be executed in trust to the Board as security.

2.15. All certificates of deposit or other forms of cash equivalent shall be made payable solely to "County Clerk of Collin County, Texas."

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

2.16.2. No person shall be licensed who is bankrupt or insolvent.

- 2.16.3. No person shall be licensed who, after August 27, 1973, shall have been finally convicted in any jurisdiction of a felony or a misdemeanor involving moral turpitude.
- 2.16.4. 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 in the preceding ten years.
- 2.16.5. No person shall be licensed unless the individual is a resident of this State and citizen of the United States.
- 2.16.6. No person shall be licensed unless the individual is at least 18 years of age.
- 2.16.7. No person shall be licensed unless the individual possesses sufficient financial resources to provide indemnity against loss on such obligations as he may undertake.
- 2.16.8. 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, as amended.
- 2.17.1. A licensee shall notify the Board, in writing, or any changes in the status of any information contained in its application. A licensee shall have a continuing duty to supplement the information in its application whenever a change occurs (such as adding a new employee, the occurrence of a conviction, etc.). The notification shall be made within 30 days.
- 2.17.2. All licensees with real estate posted as collateral shall provide proof of payment of taxes on or before February 1 of each year.
- 2.19. Bail in Collin County shall be posted only on approved forms, and pursuant to statute, and these rules and regulations.
- 2.20.1. All licensed bondsmen, attorneys, and agents for corporations licensed under these provisions will obtain an identification card from the Bail Bond Board. This identification card must be presented each time a bond is made in Collin County.
- 2.20.2. The above-mentioned identification card will be issued to licensed bondsmen or to designated agents for corporations licensed under these provisions, upon issue of a license. Attorneys may be required to submit a statement of worth to the Bail Bond Board prior to their being issued this identification card.
- 2.20.3. An application for an identification card required by Local Rule 2.20.1 and 2.20.2 shall be on the form approved by this Board. Where an enclosure or an attachment is required in connection with the application, it shall be firmly affixed to the application and included within the oath as set forth in the body of the application. A separate application form shall be submitted for each attorney, licensed bondsmen and any designated agent for the licensed bondsmen. Each approved new or renewed license may obtain six (6) identification cards at no cost. Each additional card shall be \$25.00. There shall be a \$25 fee for each attorney application for an identification card. There shall be a \$50 fee for each identification card application which is submitted yet rejected. There shall be a \$10.00 fee for the re-issuance of any unexpired identification card. Identification card applicants must submit a due diligence background investigation performed by a licensed private investigator as a part of the application. Identification card applicants must also submit an affidavit affirming that they have not been finally convicted of a felony or misdemeanor involving moral turpitude in the past ten years in any jurisdiction and, to the best of their knowledge, there are no outstanding warrants for their arrest.

2.21.1. As to bail for prisoners in Collin County Jail or for persons who are to be delivered to the Sheriff of Collin County, bail shall not be effective until approved by the Sheriff of Collin County or one of his deputies.

2.21.2. As to bail for persons under process from a municipal corporation lying wholly or partly in Collin County, bail shall not be effective until approved by the official designated by such municipality.

2.21.3. As to an appeal from conviction, bond shall not be effective until approved by the court from which the conviction is appealed.

2.22. Cash bail (other than municipal court bail) shall be posted with the proper authority, who will receipt and account thereafter. Personal bonds shall comply with Articles 17.04 and 17.08 of the Texas Code of Criminal Procedure.

2.23. No agent of a licensee will be permitted to sign as surety any bail bond unless

2.23.1. Designated by power of attorney, and

2.23.2. Approved by the Board, if new agents are permitted by the surety to execute bail bonds after the filing of the original application, the licensee will apply for Board approval under a license for that new designated agent by power of attorney.

2.24. All bail bonds made in Collin County will be made in the Sheriff's Office of Collin County Courthouse or, in the case of an appeal bond, in the court approving the appeal bond.

2.25. No unlicensed person may sign as a co-surety on a bail bond and the Sheriff of Collin County shall not accept any bail bond upon which appears the signature of a non-licensee purporting to be bound as a co-surety.

2.26 Applications shall include letters of recommendation from *three* reputable persons, containing the following information: (1) current address, current telephone number, and driver's license number; (2) a statement that they have known the applicant or if the applicant is a corporation, the agent designated by the corporation in the application, for a period of at least three years; (3) a statement of how they know the applicant; (4) a statement that the applicant "has a reputation of honesty, truthfulness, fair dealing and competency"; and (5) a statement recommending the board grant approval of the license to the applicant. (See Tex. Occ. Code Ann. 1704.154(c).)

2.26.1 Recommendation letters shall not be provided by a person who: (1) is related to the applicant or designated agent by blood or marriage; (2) has a pecuniary interest in the license; or (3) does not have a substantial, direct, and personal knowledge of the applicant's business dealings and the applicant's reputation for honesty, truthfulness, fair dealing and competency.

### **3. Other Regulations**

3.1. Where any unlicensed person attempts to post bail under an exemption authorized by law, the person accepting said bail may require proof under oath of the exemption.

3.1.2 The Collin County Bail Bond Board recognizes that Texas Occupations Code 1704.213(a) provides that "A license holder shall maintain an office in the county in which the license holder holds a license." but does not define what constitutes an office or where such office must be located in the county;

Therefore, in accordance with the authority granted pursuant to Texas Occupations code 1704.101(4), the Collin County Bail Bond Board hereby enacts as part of its Rules and

Regulations of the Collin County Bail Bond Board the following definition of the phrase “office in the county” contained in the Texas Occupations Code 1704.213(a), as follows:

- (1) An “office” for a license holder shall mean:
    - (a) at minimum, an enclosed room with a door in a lawfully occupied building or structure;
    - (b) such office shall contain at least the following items:
      - (1) one desk and desk chair;
      - (2) two chairs for visitors;
      - (3) sufficient filing cabinets to hold receipts, documents, files, and all other materials which are required under the Texas Occupations Code to be kept at the office location for inspection; and
      - (4) a business telephone, physically located at the office location, which accepts calls at the office location in Collin County. It is permissible to have such calls “forwarded” from the Collin County office location.
  - (2) The door of the office shall prominently display, in letters no less than six inches tall, the correct name(s) under which the Bail Bond license holder is doing business, along with the telephone number which rings in Collin County, or alternatively, the building in which such office is located shall prominently display, in letters no less than six inches tall, the correct name(s) under which the Bail Bond license holder or applicant is doing business, along with the telephone number which rings in Collin County. The signage and/or telephone number for such license holder shall not be installed, displayed, advertised, posted on the internet, or in any other manner exhibited or publicized until the license has been approved by the Collin County Bail Bond Board.
  - (3) The office of a Bail Bond license holder shall be located within the territorial limits of Collin County in an area legally zoned for such use. Such office location is expressly prohibited in an area zoned as a single family residential district or any other type of residential zoning.
  - (4) The Bail Bond Board Chairman or person(s) selected by the Chairman shall inspect the office location of a license holder within a reasonable time period after the license has been approved by the Collin County Bail Bond Board to ensure that such office substantially complies with the requirements of Local Rule 3.12. Additionally, in their discretion, may inspect the office location of any license holder to ensure that it substantially complies with the requirements of Local Rule 3.12. The Bail Bond Board Chairman or person(s) selected by the Chairman shall notify the Bail Bond Board Secretary in writing of the results of the inspection on a form approved by the Board.
- 3.2. Attorneys posting bail may be required to certify that the attorney client relationship arose under conditions not in violation of the canons of ethics or the published rules and regulations of the State Bar of Texas.

3.3. A person posting bail under an exemption may be required to certify that he is not in default of any of the provisions of Sec. 1704.163, Sec. 1704.151, Sec. 1704.301, Sec. 1704.302, Sec. 1704.303 or Sec. 1704.304 of Chapter 1704, Texas Occupation Code.

3.4. No person who receives compensation for posting bail may be exempt as a co-surety.

3.5.1. The Board shall publish a list of licensees by proper name and showing the business address and telephone number of each licensee. The Board shall revise, or cause to be revised, the list of licensees each month by moving the first listed licensee to the bottom of the list and moving all the other licensees up one position on the list. Each month, the licensees who are members of the Bail Bond Board shall prepare a revised list of licensees and shall submit the revised list to the Bail Bond Board for approval. The revised list will become effective upon approval by the Bail Bond Board. After approval of the revised list, the Board shall distribute the revised list as provided in these Rules. If the Board does not approve a revised list of licensees at a Board's monthly meeting, the Board will continue to distribute and post the last approved list. When the Board approves a new licensee, the Board shall add the licensee's name to the bottom of the current list of licensees. The new licensee's name will thereafter be included on the list and rotated with the other licensees' names. In situations where a license has been suspended by the Board, when such license is reinstated the Board shall add the licensee's name to the bottom of the current list of licensees. The reinstated licensee's name will thereafter be included on the list and rotated with the other licensees' names.

3.5.2. Following each name shall be printed the telephone number for night calls, which number may be the same as or different than the regular business number.

3.5.3. No additional listings shall be permitted to any licensee.

3.5.4. The published list shall be displayed by posting or other convenient means at or near any place where prisoners are examined, processed, or confined and in each court of the county having jurisdiction over criminal cases.

3.5.5. The Board shall have prepared and shall supply each Magistrate and Judge in Collin County with copies of a list of all licensed bondsmen in Collin County, including the Pre-Trial Release Program Office. The list shall advise the defendant that he may be eligible for Recognizance on Pre-Trial Release Bond.

3.5.6. If, as, and when a new license be issued, the new licensee may be added to the published list in an inconspicuous manner until the next list be published.

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

3.6. 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 a place where prisoners are examined, processed, or confined. The dissemination of personal or professional cards shall be deemed advertising.

3.7.1. Where any licensee shall undertake to post bail in excess of five thousand dollars (\$5,000.00) in any one case as to any one principal, the licensee may be required to make an additional deposit in similar form as the original deposit required by Sec. 1704.160 of the Act so as to bring the total trust corpus to twice the amount of the largest outstanding bond of such licensee. Such additional deposit shall be returned to the licensee when all bail obligations in excess of five thousand (\$5,000.00) have been satisfied.

3.7.2. Where any attorney is a bondsman by reason of making five or more bail bonds in a twelve month period but is exempt under Sec. 1704.163 of the Act, the Sheriff may require that such person make a deposit in an amount equal to the largest bond outstanding in similar form as the deposit required by Sec. 1704.160 or in the alternative a trust deed to property twice the value of the largest bond outstanding in similar form as the trust deed required in Sec. 1704.160(a)(1)(B).

3.7.3. Licensees desiring to post additional security with the Treasurer to be effective by Friday shall present the additional deposit to the Treasurer by 11:00 a.m. Thursday and hand carry the required documents to the Sheriff's Office by 5:00 p.m. Thursday.

3.8.1. As soon as practicable following the organization meeting of this Board, the Board by resolution shall establish an effective date for the implementation of the procedures outlined by the act and these Rules and Regulations.

3.8.2. All bail bonds outstanding at that time shall continue in full force and effect.

3.8.3. Bail shall be posted in accordance with usual custom until the effective date.

3.9. The Collin County Bail Bond Board shall have the full power to amend, change, or revise these rules and regulations by a majority vote of those present at any regular meeting of the Collin County Bail Bond Board, and said revisions shall become effective as provided by the Board.

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

3.11. An item may be placed on the agenda of the Board by the Chairman and Vice-Chairman at any time prior to the posting of the meeting. Any item may be placed on the agenda of the Board by any other member of the Board if received by the Board secretary by 1:30 p.m. ten (10) days prior to the regularly scheduled meeting held on the last Thursday of the month.

3.12. The Board will respond to requests for information or documents made under the Texas Public Information Act in the time and manner required by applicable law. The records of the Board should not be released except by the Chairman or his designee. If any individual Board member receives a request for records of the Board, such request should be promptly referred to the Board Chairman. Records of the Board include but are not limited to notices, agendas, minutes, applications, application investigations, complaints, disciplinary actions, orders, local rules, legal memorandums, correspondence, emails, and all other related Board documents in any form.

#### **4. Complaints**

4.1. Upon receipt of a sworn complaint by a non-member of the Board that meets the requirements of a complaint as set forth below, or upon receipt of a request to investigate by at least three members of the Board (hereinafter referred to as a "Board initiated request"), said complaint or request shall be forwarded to an investigating officer designated by the County Judge of Collin County for investigation.

4.2. Any complaint by a non-member of the Board shall be sworn to and provide a specific reference to that portion of the Act or Board regulation that is the subject of the complaint, together with a detailed and specific description of the allegation and an enumeration of all evidence that supports the allegation.

4.3. Upon receipt of any correspondence that purports to be a complaint, but does not appear to meet the requirements set forth above, the secretary of the Board shall send a copy of the above rule to the person making the complaint.

4.4. Upon completion of the investigation of a sworn complaint or Board initiated request, the investigating officer shall report findings to the Board. If three or more members of the Board have reasonable cause to believe that a violation of the Act or Board regulation has occurred, they shall specify the charges of violation and at a subsequent time thereafter, the Board shall conduct a hearing after proper notice as required by Sec. 1704.254 of the Act.

**END OF TEXT**