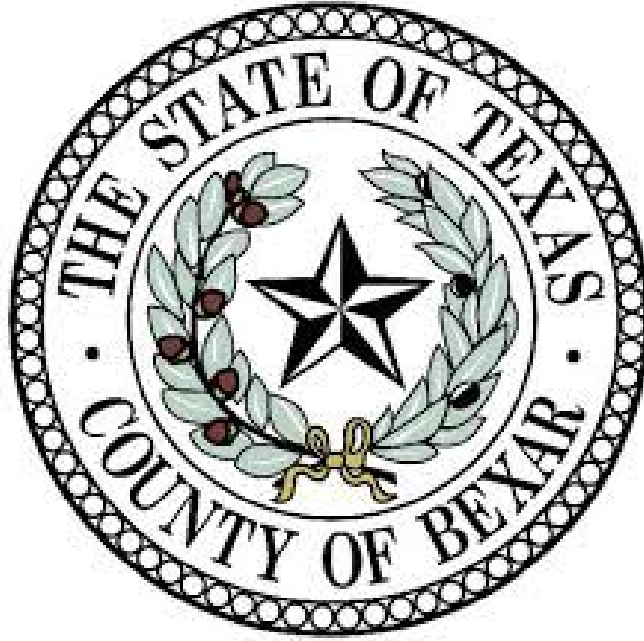


# **BEXAR COUNTY**



## **BAIL BOND BOARD RULES**

**Approved March 30, 2017  
Effective May 1, 2017**

**Revised October 26, 2017  
Effective November 15, 2017**

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The following rules have been adopted by the Bexar County Bail Bond Board (Board). They relate to qualifying Bail Bonds written in and for Bexar County, Texas. Any rule violation can result in such sanctions as the Board may enforce under Texas Law.

## **I. RULES RELATED TO THE APPLICATION FOR A LICENSE**

1. **NUMBER OF DAYS REQUIRED.** Pursuant to Texas Occupations Code (TOC) Chapter 1704, a properly completed application for a Bail Bond License, along with all required attachments must be on file with the Board at least thirty-one (31) days before the License will issue.
2. **FEE and REFUND.** The Licensee's or Agent's fee submitted with the Application for an original or renewal license shall be refundable in the event an application is disapproved after deducting costs expended.
3. **CHANGE, SUBSTITUTION, OR MODIFICATION OF COLLATERAL.** No collateral of any kind submitted to obtain or renew a License can be changed substituted for, or modified which might affect the Board's right of execution against it, without prior approval by the Board.
4. **WITHDRAWAL OF SECURITY.** An Individual bondsman who wishes to withdraw security previously deposited or executed in trust to the Board may be permitted to withdraw such security upon approval of the Board only to the extent that the value of all remaining property or cash deposited or executed in trust is not less than the aggregate total of all outstanding bail bonds executed by the license holder.
5. **VALUE OF PROPERTY.** When a Licensee submits real property (ies) as collateral, the total for all properties combined must have a minimum appraised value of fifty thousand and 00/100 dollars (\$50,000.00) and must be appraised as required by TOC Chapter 1704.
6. **REAL PROPERTY AND DEEDS.** Real property deeded in trust to the Board must meet the following requirements:
  - A. **LIENS, SALE, AND LOCATION.** All property deeded in trust to the Board shall be located in Bexar County, or in a county contiguous to Bexar County, Texas; must not be homestead property, or any other property exempt from forced sale; and shall be fully paid for and free and clear from all liens and encumbrances.
    - (1) Grantor (applicant) shall be sole owner of the submitted property. Husband and wife shall be defined as a single entity; thus, a husband and wife recognized by the Board may be "sole" owners of real property.

- (2) Grantor shall submit a separate deed of trust for each separate property proposed as security.
- (3) Grantor shall submit with each deed of trust an attached statement certifying that he (she), the Grantor, is sole owner of said property and that that property is not obligated by any unfiled warranty deeds, bills of sale, or by any other agreement, written or oral, which could jeopardize the State's clear title to that property should forfeiture and execution occur.
- (4) Grantor shall furnish the date upon which he (she) acquired the property.
- (5) Grantor shall indicate by what means he (she) acquired the property.
- (6) Grantor shall provide the name of the person from whom he (she) acquired the property.
- (7) Grantor shall furnish the File Numbers Volume, and Page of the warranty deed by which he (she) acquired the property.
- (8) Grantor must submit property for security at least thirty (30) days prior to the Board meeting in which the item will be considered. The Administrator will complete the necessary search in advance of the Board meeting. When submitting out of county property, grantor must provide a certified statement that the property is free and clear of liens and encumbrances. If grantor is not able to obtain a certified statement from the county where the property is located, the grantor shall provide a sworn statement that the property is free and clear of all liens and encumbrances.

B. **APPRAISAL.** All submitted real estate must be appraised by a real estate appraiser as more fully described in TOC Chapter 1704.

**An appraisal submitted with a new or renewal application shall be valid until the next renewal application after its submission.**

- (1) Licensee may submit a new appraisal at his (her) discretion and the value of the posted security altered, subject to approval by the Board at its next scheduled meeting.
- (2) The Licensee must provide written notice within thirty (30) days to the Board anytime that any radical change in the real estate market, damage to property by fire, accident, vandalism, natural or man-caused catastrophe, or neglect has rendered the appraisal on file inaccurate. The Board shall have the power to demand that the Licensee must submit a new appraisal or reduce the value.

C. **TAXES.** Photocopies of all official tax receipts for State, County, City, and School District taxes through the previous year shall be timely submitted to the Administrator no later than March 1<sup>st</sup> of each year. Failure to submit tax receipts will result in being placed on the following month's agenda for Board discussion and appropriate action. Licensee shall be notified.

D. **DEED OF TRUST REQUIREMENTS.** Any Deeds of Trust shall be executed to the Board as Grantee to be recorded with the County Clerk in the County where the property is located. Prior to recording, the Deed of Trust must be approved as directed by the Board. The original or Certified Copy of the recorded Deed of Trust will be held and secured as directed by the Board.

**The original Deeds of Trust and appraisals shall, upon approval of License Renewal, become part of and parcel to the new application.**

7. **REQUIREMENTS FOR SURETIES WHO SUBMIT A CERTIFICATE OF DEPOSIT AS SECURITY.** When a Surety elects to submit a certificate of deposit as security, the Assignment of Certificate of Deposit to the Board (hereafter "New Assignment Form") (see Board website for form) shall be completed and submitted to the Bexar County Clerk, along with all certificate of deposit documents provided by the financial institution.
8. **ASSUMED NAMES.** Each Licensee or Agent for a Corporation or other business entity which uses an assumed name must submit to the Board a valid assumed Name Certificate or Certified Copy thereof properly filed with the Bexar County Clerk's office. The Licensee or Agent must be the Applicant for the Assumed name Certificate. No License may be issued in an assumed name if that assumed name already exists in the county and there is any liability pending whatsoever against that assumed name.
9. **EXPIRATION DATE OF LICENSE.** Pursuant to TOC Chapter 1704, licenses expire at different lengths of term depending on the number of consecutive years a license has been issued and renewed. The expiration date whenever a license is to expire is always the last day of the month of expiration.
10. **DEFINITION OF "GOOD STANDING".** Good Standing means:
  - A. Licensee enjoys a reputation in the community of good social, moral, and ethical standards, and shall be known to maintain his/her business in a manner valid; sufficient in law; effectual; unobjectionable; sound; responsible; solvent; able to pay any amount specified.
  - B. Must be in compliance with TOC Chapter 1704 and Board Rules.

## **II. RULES RELATED TO AGENTS AND EMPLOYEES OF LICENSEES**

1. **ID CARDS.** Prior to hiring any employee, Licensees shall be required to provide to the Board for approval, through the Bail Bond Board Administrator, the names (and other background information described below) of all employees intended for hire and who will be involved in the “bonding business” or “bail bond business” as defined in TOC Chapter 1704, including all persons to be employed by the Licensee after the issuance of an original or renewal License whose names do not appear in the Applicant's original and/or renewal Application on file. Other background information to be provided for each intended employee includes the following: two (2) color passport type photographs, fingerprints, a background check through DPS, and three (3) letters of recommendation, each from a person who is reputable and has known the intended employee at least 3 years and believes him/her to have a reputation for honesty, truthfulness, fair dealing and competency (using a Letter of Recommendation form provided by the Administrator). All approved Licensees, Agents and Employees will be issued an ID card. This rule applies to all types of employees, including paid or unpaid, part-time or full-time, and all employees are considered agents and the responsibility of the Licensee, who shall be held accountable for any violation of the Bail Bond Rules and/or TOC Chapter 1704 by their agents or employees. Once an employee is no longer employed, the licensee shall submit written notification, along with the employee’s ID card (or written explanation if unable to provide ID card), to the Bail Bond Board Administrator within (seventy-two) 72 hours. **(This rule amended on October 26, 2017)**
  
2. **CORPORATE AGENTS AND INDIVIDUAL LICENSEES.** Only Corporate Agents and Individual Licensees shall be authorized to sign Bail Bonds.
  
3. **CORPORATION REVOCATION OF AGENT’S POWER OF ATTORNEY.**  
A Corporation may only revoke its Power of Attorney designating an agent by providing written notice to the Board.
  
4. **PARTNERSHIPS.** Partnerships are prohibited by the Board.

## **III. RULES GOVERNING PRACTICE**

1. **BAIL FORMS.** Bail in Bexar County shall be posted only on the applicable forms adopted by the Board.
  
2. **PLACE OF ACCEPTANCE.** All Bail Bonds shall be accepted only in locations designated by the Sheriff of Bexar County, Texas.

3. **REFERRALS.** No Licensee shall pay or receive money or other thing of value which, when combined with any money or security paid as a Bail Bond Fee or held for the assurance of the principal, exceeds the face value of the Bond. No Licensee or Agent of a Licensee shall pay a referral fee to another Licensee or Agent of a Licensee without providing a written notice of the referral fee to the principal.
4. **SOLICITING, REFERRING, OR CONDUCTING BUSINESS BY NON-LICENSEES.** 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 business to a Licensee. Further, no Licensee may use a phone number or address or office of a non-license to conduct any Bail Bond business.
5. **BOARD APPROVAL AS TO PLACE AND/OR ADVERTISING OR SOLICITING.** No Licensee may use a phone number, address, or name to advertise or solicit Bonds or maintain any separate phone numbers without prior approval of the Board.
6. **IDENTIFICATION CARD.** An Identification card issued to the Licensee, Agent, or Employee must be presented to the Bonding Desk at the time the Bail Bonds are presented.
7. **RECEIPT REQUIREMENTS (INITIAL AND ANY SUBSEQUENT RECEIPTS).** All receipts for the making of Bail Bonds, in addition to the requirements described in TOC Section 1704.305, shall include the following information:
  - A. Name of Company making the bond;
  - B. Date of the Transaction, and a Receipt number;
  - C. Whether the property or money is payment for a bail bond fee or held as security for principal's appearance in court;
  - D. All entries on the receipt will be legible;
  - E. The Following message will be printed with font size of at least 12 on each receipt:

**“IF YOU HAVE QUESTIONS CONCERNING YOUR BAIL BOND, PLEASE CALL THE NUMBER FOR THE BAIL BOND COMPANY SHOWN ON THE FRONT OF THIS RECEIPT OR THE BEXAR COUNTY BAIL BOND BOARD AT (210) 335-3933.”**
8. **ADVERTISING NAMES.** Licensees shall not be allowed to advertise by any means, manner or form, in any name other than the name which has been issued a License.

9. **MULTIPLE INDIVIDUAL LICENSES.** No more than one (1) Individual Bail Bond License will be issued to any person.
10. **DISCLOSURE STATEMENT REQUIRED.** A Disclosure Statement is required for each bond transaction. All Disclosure Statements have at least the following information, and a copy given to the person making the payment or transferring the property:
  - A. Name, Address, Phone Number of Company making the bond;
  - B. Name of principal in the case;
  - C. Cause Number;
  - D. Name of person making the payment or transferring the property;
  - E. Disclosure of any referral fee paid to any individual or entity;
  - F. Total fees paid in connection with the execution of the bond;
  - G. If fees not paid in full at time of execution of bond:
    - (1) The amount of the down payment;
    - (2) The balance due; and
    - (3) Any payment arrangements.
  - H. If any property including money is held as security for the appearance of the principal:
    - (1) A description of the property;
    - (2) The estimated value of said property; and
    - (3) The conditions under which the money or property will be returned.
  - I. The following message will be printed with font size of at least 12 on the Disclosure Statement:  
**“IF YOU HAVE QUESTIONS CONCERNING YOUR BAIL BOND, PLEASE CALL THE NUMBER FOR THE BAIL BOND COMPANY SHOWN ON THE FRONT OF THIS RECEIPT OR THE BEXAR COUNTY BAIL BOND BOARD AT (210) 335-3933.”**

#### **IV. RULES RELATING TO ENFORCEMENT.**

1. **APPLICABILITY OF CHAPTER 1704.** Any Procedures and Practices not specifically covered by these Rules shall be governed by TOC, Chapter 1704, and the Texas Code of Criminal Procedure, and all Licenses are hereby placed on notice that ignorance of the Law and these Rules and Regulations is no excuse or defense to the Suspension of and/or Revocation of his/her License.



2. **VIOLATION OF RULE OR REGULATION.** A Violation of any of the Rules or Regulations of the Board or the Laws of the State of Texas or the United States shall be considered as grounds for Suspension and/or Revocation of any License as a Bail Bondsman.
3. **INVESTIGATION AND EXAMINATION OF APPLICANTS AND LICENSEE.** The Board, its Administrator, or any person designated by the Board may investigate and conduct sworn Voir Dire Examinations in Application of, and/or renewal of Licenses and into other matters, such as but not limited to, violations of any Laws, Rules, or Regulations by Licensees or License Applicants, and all matters relating to the Industry of Making Bail Bonds and Violations of the Texas Bail Bond Laws and Bexar County Bail Bond Rules by Licensees and Non-Licensees.
4. **DEFAULT OF FINAL BOND FORFEITURE.** Where an Individual or Corporate Licensee holds more than one (1) License and is in Default on any Final Bond Forfeiture judgment on any of the Licenses; only the License which is in default shall be suspended until satisfaction of the default is made.
5. **BEXAR COUNTY BAIL BOND BOARD MEETINGS.** The Board will meet on the last Thursday of each month and at such time as the Chairman shall deem appropriate in accordance with Texas Law.
6. **APPLICABILITY OF RULES AND REGULATIONS.** These Rules and Regulations will become effective after the required notice is complied with and shall apply to all new and current Licensees. To renew the License, those persons must meet the Requirements of the Rules as amended.
7. **SOLICITING.** In pursuance of TOC Chapter 1704, the Board hereby expressly defines certain forms of advertising and conduct as constituting Soliciting.

**A. DEFINITIONS:**

**IN THIS REGULATION**

- (1) "Solicit" means to seek, urge, entice, incite, request, offer, ask, endeavor or undertake to obtain, create or develop a relationship related to the bonding business either directly or indirectly by any means, whether done in writing or by use of any other method of communication. To "Solicit" as defined by these rules does not require the passage of money or other consideration from one person to another nor does it require a bonding transaction to either by initiated or completed.

- (2) "Building where Prisoners are Processed or Confined includes but is not limited to any rooms within the Bexar County and City of San Antonio Jail Central Magistrate at 401 S. Frio and/or 200 North Comal, San Antonio, Texas; the Bexar County Courthouse on Main Plaza and/or Cadena Reeves Justice Center and/or Paul Elizondo Tower, San Antonio, Texas.
- (3) "Advertise" means to advise, announce, appraise, give notice of, notify, publish, inform (either directly or indirectly) or otherwise use any means or method to attract attention from the public by use of any type of communication, whether oral or written, for the purpose of seeking to develop or create in another an interest in or awareness of a particular Licensee, Agent or other entity engaged in the bonding business.

**B. RESTRICTIONS:**

**Any License may be suspended or revoked by the Board for:**

- (1) Distributing or displaying in any building where any prisoners are processed or confined, any materials which advertise or identify a particular Licensee, Agent or other entity engaged in the bonding business. These prohibited materials include, but are not limited to, placards, signs, handbills, billboards, stickers, professional calling cards and clothing which advertise or identify a particular Licensee, Agent or other entity engaged in the bonding business.
- (2) Initiating any contracts or conversations with any prisoners or a person acting on his/her behalf in any building where prisoners are processed or confined.

8. **DEFERRED ADJUDICATION AND LICENSEE'S LIABILITY.** For the purpose of relieving a person executing a bail bond from liability, deferred adjudication community supervision is a final disposition of the case.

**V. RULES RELATED TO RELEASING CURRENT LIABILITY**

- 1. Releasing Liability of Out of County Bonds from the Bexar County Bond Tracking System.** In order to better manage the Bexar County Bond Tracking System, the following will apply regarding the releasing of liability of out of county bonds from the system:

- A. When a surety's out of county bond has been placed onto the Bexar County Bond Tracking System and the bond has not been on the system for more than four (4) years, the following documentation maybe presented to the District Clerk (bond forfeiture clerk) to have the bond removed from the system:
  - A print out from the originating county's internet website reflecting the closed liability on the bond and/or closed disposition of the case;

- Any documentation (original, copy or faxed) of the originating county's court documentation reflecting the closed liability on the bond and/or closed disposition of the case;
- B. When a request is made to the District Clerk, along with the item(s) listed in letter (A) above, an affidavit in the format approved by the Board must be attached to each request.
  - C. When the out of county bond has been on the system longer than four (4) years, no other documentation is necessary, as required in (A) and (B) above. A request may be made to the District Clerk in the form of a list of principals' names with the corresponding civil and criminal case numbers, bond numbers, and originating county names. Each request is limited to no more than ten (10) bonds per list. The clerk will notify the bondsmen when it has been updated to submit further requests. This limitation is for the benefit of the District Clerk in managing the quantity of request.
  - D. Removal of any out of county bonds from the Bexar County Bond Tracking system in no way affects the other county in collection of any outstanding judgment(s). Additionally, removal of any out of county bonds from the system will not prohibit the Board from addressing with the Surety any outstanding judgments and/or delinquency of debts in other counties.
- 2. Releasing Liability of San Antonio Municipal Court Bonds from the Bexar County Bond Tracking System.** In order to better manage the Bexar County Bond Tracking System, the following will apply regarding the releasing of liability of municipal court bonds from the system:
- A. When the municipal court bond has been on the system longer than four (4) years, no documentation is required. The bondsman shall provide the following information listed on a form provided by the Administrator: the Bond tracking #, Defendant's name, SID #, amount, bond date and case #. Each request is limited to no more than twenty (20) bonds per list.
  - B. The Administrator will notify the bondsmen when it has been updated to submit further request.
  - C. Removal of any municipal court bonds from the Bexar County Bond Tracking System in no way affects the ability of the municipal court in collection of any outstanding judgment(s). Additionally, removal of any municipal court bonds from the system will not prohibit the Board from addressing with the surety any outstanding judgments and/or delinquency of debts in municipal court.

**3. Releasing Liability on Justice of the Peace (JP) Court Bonds from the Bexar County Bond Tracking System.** In order to better manage the Bexar County Bond Tracking System, the following will apply regarding the releasing of Liability of JP bonds from the system:

- A. When the JP bond has been on the system longer than four (4) years, no documentation is required. The bondsman shall provide the following information to the Bail Bond Administrator listed on a form provided by the Bail Bond Administrator: the Bond Tracking #, Defendant's name, SID #, amount, bond date and case #. Each request is limited to no more than twenty (20) bonds per list.
- B. The Administrator will notify the bondsmen when it has been updated to submit further request.
- C. Removal of any JP bonds from the Bexar County Bond Tracking System in no way affects the ability of the JP Court in collection of any outstanding judgment(s) *against the surety bondsman who is requesting removal of a JP bond from the Bexar County Bond Tracking System pursuant to this rule.* Additionally, removal of any JP bonds from the system will not prohibit the Bail Bond Board from addressing with the surety any outstanding judgments and/or delinquency of debts in JP Court.
- D. Releasing the liability and closing the bond does not affect the warrant if it is still active. **(This rule was adopted on April 26, 2018)**