

**RULES AND REGULATIONS
OF THE
HOOD COUNTY BAIL BOND BOARD**

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Adopted August 19, 2005, Amended: 10/07/2005, 05/08/2006, 05/20/2006, 02/12/2007, 04/04/2008, 01/08/2010, 09/02/2011, 01/06/2012, 11/01/2013, 07/06/2018, 04/16/2020, 08/19/2020.

RULES AND REGULATIONS OF THE HOOD COUNTY BAIL BOND BOARD

Pursuant to the authority granted under Chapter 1704, Texas Occupations Code, the following rules and regulations are adopted to regulate the bail bond business in Hood County, Texas.

1. The Hood County Bail Bond Board will hold regular meetings on the first (1st) Friday of the month at 9:30 a.m. in the Conference Room of the Emergency Operations Center, 401 Deputy Larry Miller Drive, Granbury, Texas. Unless otherwise specified by the Chair of the Board.
2. Notices of meetings will be posted on the bulletin board at the Hood County Courthouse at least seventy-two (72) hours in advance of each meeting.
3. All proceedings not governed by specific statutory provision shall be conducted in accordance with Robert's Rules of Order, and the presiding officer shall serve ex officio as parliamentarian.
4. The Board shall annually elect members to the offices of Chair and Vice-Chair.
5. For purposes of Board meetings, the Chair shall be the presiding officer. In the absence of the Chair, the Vice-Chair shall be the presiding officer. In the absence of the Chair and Vice-Chair, the presiding officer shall be a Board member designated in writing by the Chair for that meeting. Such written designation shall be attached to the minutes of the meeting.
6. It shall be the responsibility of the Chair to provide a secretary for purposes of recording minutes of the business that comes before the Board.
7. The Chair or Vice-Chair is authorized to act on behalf of the Hood County Bail Bond Board to conduct inspection of bail bond records pursuant to Section(s) 1704.202. Either the Chair or the Vice-Chair may appoint agents to conduct actual inspection of records.
8. Whenever the Chair (and/or Presiding Officer) anticipates a vote on any agenda item scheduled to come before the Board at a meeting that otherwise relates to written documents, the Chair (and/or Presiding Officer) shall make the necessary arrangements for such written documents to be made available for inspection at the scheduled meeting by any Board member at least thirty (30) minutes prior to the beginning of any such meeting at which the Board may be called upon to vote.

I. Applications / Renewals

I-1. In discharging its responsibility for reviewing applications and renewals for licenses, the Board shall require the applicant or licensee seeking renewals to have at least \$50,000.00 unencumbered collateral to deposit with the Hood County Treasurer.

I-2. All applicants seeking licensing under these rules shall be required to complete the application form and submit to a criminal history and background check. Forms are available at the Hood County Sheriff's Office and the Hood County Website (Go to Departments > Boards & Commissions > Hood County Bail Bond Forms > Forms).

I-3. For licensure, Applicant must sign an Authority for Release of Information and Waiver to enable the Hood County Sheriff's Office to conduct a criminal history search.

I-4. The Bail Bond Board will not license as an Agent or bondsman any person who, after August 27, 1973 commits or has committed an offense being a felony, or a misdemeanor involving moral turpitude if such offense has resulted in a final conviction of for which filed charges are currently pending. This rule shall not apply if a period of more than ten (10) years has elapsed between the date of the filing of the application for license and the date of: (1) The conviction; (2) The release from the confinement imposed for that conviction; (3) The satisfactory completion of probation or parole for that conviction; or (4) The pardon, annulment or other equivalent procedure for that conviction, whichever is the later date.

I-5. A License Renewal Request and \$500.00 fee must be submitted for Board approval at a Board meeting thirty-one days prior to the expiration of the license.

I-6. When a bondsman renews his license and resubmits real property for collateral, the value may be determined by submitting to the Board a complete appraisal as described in Section(s) 1704.160 / 1704.155 of the Occupations Code, or a statement from the county's (Hood County Appraisal District) most recent certified tax roll.

I-7. Renewal of agent application will correspond with renewal of bonding company application.

I-8. The fee for licensing an agent shall be \$25.00.

I-9. An applicant who has been denied an agent license may not reapply for a period of six (6) months from the date of the denial of his or her application for license.

I-10. Each Licensed bondsman, prospective bondsman, or attorney who writes a bond shall file with the Board an email address associated with the bonding company to receive notices, board information and other court documents.

II. Collateral

II-1. (a) No additional collateral will be added to a bondsman's current collateral unless it is a minimum of \$1,000.00. 6/7/2018

(b) If cash or certificate(s) of deposit are to be deposited with the Hood County Treasurer as collateral, such collateral must remain in trust for at least one (1) year. If real estate is offered as collateral, the real estate may be released within ninety (90) days provided that cash or certificate(s) of deposits in equal or greater amount are offered in lieu of the real estate. Cash or certificate(s) of deposit offered in place of real estate must remain in trust for one (1) year. After one year a license holder may withdraw collateral, either cash, certificate(s) of deposit, or real estate down to the minimum amount required by Section 1704.160, Texas Occupations Code, or to the amount sufficient to maintain the ratios required by Section 1704.203, Texas Occupations Code. This may be done once annually on the licensee's company anniversary date, or at any other time authorized by the Board.

(c) If real estate is offered as collateral in lieu of cash or certificate(s) of deposit or in lieu of other real estate already pledged or any real estate offered as collateral, the bondsman must comply with Sections 1704.155 and 1704.160 of the Occupations Code.

II-2. On or before February 15 of each year, bondsmen with real estate pledged as collateral for making bail bonds shall provide a copy of paid tax receipts for each piece of real estate pledged. These receipts must show proof of taxes paid in full by no later than the immediately previous January 31, and must show such payment for any county, city, school district and other ad valorem taxes which are due for the previous calendar year. Failure to comply with this provision will result in the applicable property being immediately deducted from posted collateral of the applicable year. If a bondsman provides proof that taxes were paid in full by January 31, but provides that proof after February 15, any collateral previously deducted shall be immediately restored to the bondsman's account without the necessity of further Board action.

However, if a bondsman fails to pay taxes in full by January 31 but makes a later payment in full, he must make a request to the Board for reinstatement of collateral. Upon written request from a bondsman received ten (10) days before a scheduled monthly meeting of the Board, a request to reinstate real estate which has been deducted from posted collateral for non-payment or late payment of property taxes as stated above shall be placed on the agenda for the Board's consideration. If the bondsman provides proof at such a meeting that all property taxes and penalties have been fully paid as of that time, the real estate shall be immediately restored to a bondsman's posted collateral.

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II-3. On receipt of notice that an application to exchange real property previously accepted for security for a cash deposit has been conditionally approved, the license holder shall deposit with the Hood County Treasurer the cash deposit, not later than the 10th day after the date of receipt of the notice. If the license holder fails to deposit the approved cash deposit, the license holder's security will be adjusted to reflect the amount of all other security deposited minus the conditionally approved cash deposit.

III. Agents

III-1. Agents, as defined in this rule shall mean any person hired by a bail bondsman who performs the following duties: (1) Meets and negotiates with members of the public for the purpose of selling bail bonds; or (2) Presents bonds to the Sheriff's Office for approval.

III-2. No bail bondsman may employ a person as an agent who is not licensed.

III-3. Following a written notice to the Chair / Vice-Chair of the Bail Bond Board, a person who has previously been approved by the board and is currently licensed as a bondsman or agent may be added as an agent for another company (period not to exceed 45 days or the next monthly Bail Bond Board meeting, whichever comes first) without the approval of the Board. To continue as that agent, Rule # 16 must be complied with.

III-4. Bail bond agents may not advertise bail bonds services in their own name but only in the name of the licensed bondsman. They may not, on personal business cards or otherwise, advertise using a telephone number that does not belong to a licensed bondsman.

IV. Office Procedures

IV-1. A bondsman shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation as it relates to his or her bail bond business.

IV-2. A bondsman shall maintain a file on each principal for whom he/she writes a bond. A file shall contain the information required by the local rules herein.

IV-3. A bondsman shall not charge a fee for making a bond in an amount in excess of the amount of the bond.

IV-4. A receipt shall be given to the principal or person paying a bond fee. The receipt shall indicate whether the payment was money or property. If property, a description of such property shall be included on the receipt, to include serial numbers, if any. A copy of such receipt shall be kept in the file required by Rule No. IV-2.

IV-5. A receipt shall be given to the principal or other on behalf of the principal who gives money or property to a bondsman as collateral to secure either the payment of the bond fee or performance on the bond. If property is given, the receipt shall describe said property, including serial numbers, vehicle identification numbers (VIN's), etc. The receipt shall state whether the collateral is held to secure the fee, the performance, or both. If the collateral is to be forfeited, the person giving said collateral shall be given (10) days written notice of said intended forfeiture. The notice shall be sent by certified mail to the last known address of the person giving said collateral. The property may be sold for its fair market value and the defendants or party giving the collateral shall then be notified of the account balance and, any surplus remitted to the person posting said collateral.

IV-6. All agents shall comply with the Bail Bond Act, Chapter 1704, Texas Occupations Code, and the Rules & Regulations of the Hood County Bail Bond Board. Upon showing that an agent has violated either the Act, or the Rules & Regulations, or conduct unbecoming a bail bondsman, the license(s) for such agent may be suspended or revoked for each bondsman represented by such agent regardless of which bondsman the agent was pursuing the bonding interests of at the time of any such infraction.

IV-7. Licensed bondsmen shall have a local (Hood County) office on property separate from residential property. The office shall be equipped with business telephone service dedicated exclusively to the bondsman's local bonding business. Hood County bonding records shall be maintained on this business property for inspection by authorized Hood County Bail Bond Board representatives during regular business hours.

IV-8. The bondsman has the responsibility of notifying the principal of all court settings. A record of such notice shall be kept in the file required by Rule No. **IV-2**. Such file shall be kept for a period of four (4) years from the date the bond is discharged.

IV-9. In the event two (2) or more Bondsmen are retained to post a bond, the Bondsman or agent that appears at the jail lobby first shall be the one allowed to post the bond. However, no Bondsman or Agent shall be in the lobby until (at the earliest) the JPs have arrived for Arraignments. Any Bondsman or Agent in the lobby at any other time, not currently waiting for release of an inmate (i.e. bond submitted), or on other official business, shall be considered 'soliciting' and treated accordingly.

IV-10. Each bondsman is responsible for the actions taken by any agent hired by the bondsman. Upon showing that an agent has violated Chapter 1704 of the Texas Occupations Code or the Hood County Bail Bond Board Rules & Regulations while representing one or more specific bondsman, the license of the bondsman may be suspended or revoked.

IV-11. Any time an agent is terminated by a licensed bail bondsman, it shall be the responsibility of the sponsoring bail bondsman to provide written notice to the Chairman of the Hood County Bail Bond Board and to the Hood County Sheriff's Office by delivering written notice to the Bonding Desk/Information Desk at the Hood County Jail revoking the former agent's power to present bonds in Hood County on behalf of that licensed bail bondsman. Upon termination, it shall be the responsibility of the sponsoring bail bondsman to surrender the agent's bonding identification card to the Hood County Bail Bond Board.

IV-12. In the event a bondsman signs a Release of Surety (CCP 17.19) resulting in the issuance of a warrant, the bondsman shall furnish a photograph of the defendant, and an information sheet to assist any law enforcement officer in serving the warrant upon request.

V. Advertising

V-1. There shall be no soliciting (which will include all forms of advertising) of bonds on any county or city owned property by either licensed bondsmen or their agents.

V-2. Any outdoor advertising that can be seen from jail will conform to Article 7 of the City of Granbury Zoning Ordinance. (City of Granbury Zoning Ordinance Link: www.granbury.org/DocumentCenter/Home/View/275)

V-3. A licensed bondsman may operate under one (1) assumed name or under his or her own name but not both.

V-4. Any advertising must contain the true name and license number of the bondsman. If a bondsman uses an assumed name, he must notify the Bail Bond Board.

VI. Bond Forfeitures

VI-1. Bond forfeitures must be paid within thirty-one days following final judgment or the bondsman shall be suspended from the active bond list. (Section 1704.204 (a); 1704.2535 Note: The Board is not required to provide notice or a hearing before making the notification required by this section).

VII. Election of Board Members

VII-1. A Hood County licensed bondsmen shall have a seat on the Board. No later than April 1st of each year, the Hood County Bail Bond Board will mail or email ballots to each licensed bondsman. At the regular May Board meeting, the ballots will be counted by the Board members according to the instructions sent with ballots. The duly elected representative of the licensed bondsmen will serve from June 1 through May 31 of the following year.

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VII-2. A Hood County Justice of the Peace shall have a seat on the Board. No later than April 1st of each year beginning April 2016, the Hood County Bail Bond Board will mail or email ballots to each elected Justice of the Peace. At the regular May Board meeting, the ballots will be counted by the Board members according to the instructions sent with ballots. The duly elected representative of the Justice's of the Peace will serve from June 1 through May 31 of the following year.

VII-3. A Hood County licensed Criminal Defense Attorney's shall have a seat on the Board. No later than April 1st of each year beginning April 2016, the Hood County Bail Bond Board will mail or email ballots to each attorney who has a principal place of business located in the county and who is not legally prohibited from representing criminal defendants in the county is entitled to cast one vote to elect the board member which is a criminal defense attorney. At the regular May Board meeting, the ballots will be counted by the Board members according to the instructions sent with ballots. The duly elected representative of the Criminal Defense Attorney will serve from June 1 through May 31 of the following year.

VIII. Complaints / Hearings

VIII-1. (a) If a complaint against a bondsman is submitted to the Board, the complaint will first be screened to determine if it provides reasonable cause to believe that a violation of state law or local rules has occurred. A representative of the Hood County Attorney's Office shall receive the complaint and make a recommendation to the Board on the issue of whether reasonable cause has been established. If reasonable cause has been established the Board will notify the bondsman. Failure to respond to a complaint within ten calendar days after notification shall be a violation of these rules. The Board, before final disposition, shall review all complaints against a bondsman.

(b) Failure on the part of a bondsman to testify at such a hearing to answer any questions or to timely provide any other response or evidence requested by the Board pursuant to this Rule shall be considered in itself to be a violation of these Rules. Once the Board completes its investigation, it shall take such action as it deems appropriate. Both the complainant and the bondsman who was the subject of the complaint shall be sent written notice of the Board's decision.

VIII-2. The Board may, on its own motion or upon a showing of good cause supported by an affidavit, grant a continuance to a bondsman and/or agent when a hearing is set to investigate the actions and records relating to any complaint filed against any bondsman and/or agent. A continuance can be given on a month-to-month basis but it shall not exceed three (3) months.

VIII-3. If a judicial determination is made that a bondsman licensed by the Hood County Bail Bond Board has surrendered a principal without reasonable cause, the Board, upon receiving information that such determination was made, shall then take whatever action it deems appropriate, including revocation or suspension of the license of the bondsman.

VIII-4. Nothing in these rules shall operate to abrogate or diminish the Board's Statutory Authority to inspect on demand, whether in person or via a representative, the records a bondsman must keep pursuant to Chapter 1704, of the Texas Occupations Code.

VIII-5. If a bondsman desires to surrender his/her bonding license or close his/her business they must notify the Hood County Bail Bond Board in writing along with the following documentation:

- (a) Submit a complete list of active bonds to the Hood County Bail Bond Board Chairman or secretary;
- (b) Submit a complete list of unpaid Forfeitures/Judgments.

The Hood County Bail Bond Board will not release the collateral until at such a time as the active bonds have been released, and forfeiture/judgments have been satisfied. Once the license has been turned into the Board or Board Representative the license will be considered surrendered and will not be returned.