



Williamson County Bail Bond Board

Rules

As of April 18, 2022

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**WILLIAMSON COUNTY BAIL BOND BOARD
LOCAL RULES**

SECTION 1 - GENERAL PROVISIONS

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8:35 APR 4 2022
Nancy E. Ruter
County Clerk, Williamson Co., TX

1.1 Definitions(Act 1704.001)

- A. **Act** means *Chapter 1704, Texas Occupations Code*, as amended.
- B. **Agent** means an individual licensed by the Board as a designated agent of a Corporate Surety.
- C. **Bail Bond** means a cash deposit, or similar deposit or written undertaking, or a bond or other security, given to ensure the appearance of a defendant in a criminal case.
- D. **Bail Bond Business** means the solicitation, negotiation, or execution of a Bail Bond by a Bail Bond Surety.
- E. **Bail Bond Surety** means an Individual Surety or a Corporate Surety who executes a Bail Bond or for compensation deposits cash to ensure the appearance of a defendant in a criminal case.
- F. **Board** means the Williamson County Bail Bond Board.
- G. **Corporate Surety** means a corporation licensed by the Board to execute Bail Bonds.
- H. **Employee** means an individual who performs any of the following duties for an Individual Surety or Agent: 1) meets or negotiates with members of the public for the purpose of executing Bail Bonds; 2) receives anything of value as a fee or as collateral for Bail Bonds; 3) presents Bail Bonds to the Sheriff's Office for approval; or 4) interviews or takes information from individuals who have been or will be released from jail pursuant to a Bail Bond.
- I. **Final Judgment** means a judgment that disposes of all issues and parties in a case.
- J. **Individual Surety** means an individual licensed by the Board to execute Bail Bonds.
- K. **Licensee** means an Individual Surety, Corporate Surety, and/or Agent, as applicable.
- L. **Person** means an individual or corporation.
- M. **Rules** means these Williamson County Bail Bond Board Local Rules, as amended.

Rules Amended March 18, 2022
Rules Effective April 18, 2022

1.2 Authority and Scope of Rules

These Rules are approved by the Board as authorized by and pursuant to the Act and other applicable law.

1.3 Purpose

The purpose of these Rules is to supervise and regulate Bail Bond Business in Williamson County, Texas as authorized by and pursuant to the Act and other applicable law.

1.4 Computation of Time Periods.

Unless otherwise required by law or these Rules, a time period shall be determined by 1) counting calendar days not business days; 2) counting the day after the act or event as the first day; 3) extending the last day of the time period to the next business day if it falls on Saturday, Sunday, or a Williamson County holiday.

1.5 Board Information

Board contact information: Williamson County Bail Bond Board
c/o Williamson County Treasurer – Board Secretary
710 Main Street, Suite 105
Georgetown, TX 78626
Phone: (512) 943-1540
Fax: (512) 943-1590

The Board's webpage link is: [Wilco > Departments > Bail Bond Board > Forms & Documents](#).

SECTION 2 - BOARD MEMBERS AND OFFICERS

2.1 Board Member Positions (*Act 1704.053*)

- A. The Sheriff or designee who is the Sheriff's administrator or a deputy sheriff of at least sergeant rank.
- B. A district judge with criminal jurisdiction and designated by the presiding judge of the administrative judicial district or a designee of the district judge who is approved by the presiding judge of the administrative judicial district.
- C. The County Judge, a member of the Commissioners Court designated by the County Judge, or a designee approved by the Commissioners Court.

- D. A county court at law judge with criminal jurisdiction and designated by the Commissioners Court or a designee of the county court at law judge who is approved by the Commissioner Court.
- E. The District Attorney or an assistant district attorney designated by the District Attorney.
- F. The District Clerk or District Clerk's designee.
- G. The County Clerk or County Clerk's designee.
- H. The County Treasurer or the County Treasurer's designee.
- I. A justice of the peace elected by all justices of the peace.
- J. If appointed by the Board, a presiding judge of a municipal court in the County.
- K. If the County's Principal Municipality designates a presiding judge in the municipal court system, the presiding judge or a municipal judge from the system designated by the presiding judge. "Principal Municipality" means the municipality in which the Williamson County Courthouse is located.
- L. The elected surety representative or the designee of the elected surety representative.
- M. The elected criminal defense attorney representative or designee of the criminal defense attorney.

2.2 Election of Certain Bail Bond Board Members (*Act 1704.0535*)

- A. **Bail Bond Surety Representative.** At the regular January meeting, the Board shall conduct a secret ballot election to elect the Board member to serve as the bail bond surety representative. The bail bond surety representative shall be an Individual Surety or an Agent. Each Individual Surety and Agent is entitled to cast one (1) vote for each Williamson County license held. The bail bond surety representative shall be elected by a majority of votes cast.
- B. **Criminal Defense Attorney Representative.** At the regular January meeting, the Board shall conduct a secret ballot election to elect the Board member to serve as the criminal defense attorneys representative. The criminal defense attorneys representative shall have a principal place of business located in Williamson County, be a criminal defense attorney who is practicing law in Williamson County, and not legally prohibited from representing criminal defendants in Williamson County. Each attorney who has a principal place of business located in Williamson County and who is not legally prohibited from representing criminal defendants in Williamson County is entitled to cast one (1) vote. The criminal defense attorneys representative shall be elected by a majority of votes cast.

- C. **Justice of the Peace.** In January, prior to the regular January Board meeting, the justices of the peace in Williamson County shall elect a justice of the peace to serve on the Board. In that election, each elected justice of the peace is entitled to cast one (1) vote. After the election, the elected Justice of the Peace shall notify the Board Secretary, in writing, of the election and identify the Justice of the Peace elected to serve as the Board member for the annual term.

2.3 Designated Board Members

In January, prior to the regular January Board meeting, the Board Secretary shall request the appropriate officials to designate, in writing, the representative who shall serve as a Board member for the annual term beginning on the date of the January Board meeting.

2.4 Board Member Position Vacancies

Representatives elected, appointed, or designated to serve as Board members shall continue to serve until a successor is properly elected, appointed or designated unless for any reason the individual so elected, appointed, or designated resigns or is disqualified from serving. If an appointed or designated Board position becomes vacant, the Board Secretary shall request the authority to appoint or designate an eligible individual to fill the vacancy. If an elected Board position becomes vacant, the Board Chair shall call for a special election to elect a representative to fill the vacancy for the remainder of the term.

2.5 Officers (Act 1704.054)

- A. **Chair.** At the regular meeting of the Board in January, the Board shall elect a Board member as Chair. The Chair serves as the Board's presiding officer.
- B. **Vice-Chair.** At the regular meeting of the Board in January, the Board shall elect a Board member as Vice-Chair. The Vice-Chair serves as Chair in the temporary absence of the Chair. If the Chair resigns or is disqualified from serving for any reason before the end of the term, the Vice-Chair shall serve as the Chair, and the Secretary shall serve as the Vice-Chair, for the remainder of the term.
- C. **Secretary.** The County Treasurer, or the County Treasurer's designee, shall serve as Board Secretary. The Secretary shall supervise the administrative duties of the Board. The Secretary may designate an Assistant Secretary to assist the Secretary in the discharge of the Secretary's duties. The Assistant Secretary is not required to be a Board member and shall have no authority to bind the Board. The Secretary serves as Chair in the temporary absence of the Chair and the Vice-Chair.

SECTION 3 - BOARD MEETINGS

3.1 Meeting Procedures (*Act 1704.055*)

- A. Board meetings shall comply with the Texas Open Meetings Act.
- B. A Board member may request a regular meeting agenda item by providing notice to the Board Secretary at least ten (10) days prior to the next regular meeting of the Board.
- C. The Board shall meet at 11:30 a.m. on the third Friday of each month. The Board shall meet on the fourth Friday of the month if the third Friday of the month is a Williamson County holiday or Williamson County offices are closed. The Board shall also meet at the call of the Board Chair, Vice-Chair, or Secretary.
- D. Board meetings shall be held at the location designated in the meeting notice.
- E. Board meeting notices shall be posted on the bulletin board at the Williamson County Justice Center, 405 M.L.K. Blvd., Georgetown, Texas.
- F. Board meetings shall be conducted in accordance with Robert's Rules of Order, unless otherwise provided by a Rule or applicable law. The presiding officer of the Board meeting shall be ex-officio parliamentarian.
- G. The Sheriff (or Sheriff's designee) shall act as the Board Bailiff during Board meetings.

3.2 Board Quorum and Action (*Act 1704.056*)

Four (4) members of the Board constitutes a quorum to conduct business at a meeting.

Board action requires a vote of a majority of the Board members present at the meeting.

SECTION 4 - BOARD AUTHORITY AND DUTIES

4.1 Board Authority (*Act 1704.101, 1704.102*)

The administrative authority and enforcement authority of the Board is specified in the Act and other applicable law.

4.2 Notice of Board Action (*Act 1704.104*)

The Board shall provide notice of action taken by the Board for ten (10) days preceding the date the action takes effect. Notice shall be posted on the bulletin board at the Williamson County Justice Center, 405 M.L.K. Blvd., Georgetown, Texas.

4.3 Licensed Bail Bond Surety List (*Act 1704.105*)

- A. The Board Secretary shall publish a current list of Bail Bond Surety. The list shall include the business name, address and telephone number of each Individual Surety and Agent. The list will be in alphabetical order by the last name of the Individual Surety and Agent. The list shall rotate on the first day of each month, the last name on the list moving to the top and each other name moving down one position. On final approval of a new license, the Individual Surety or Agent shall be placed on the list in the appropriate alphabetical position and will move on the list from that position. If a license is suspended by the Board for any reason, the Individual Surety or Agent subject to the license suspension, will be removed from the list. If the suspended license is reinstated, the Individual Surety or Agent will be placed on the list in the appropriate alphabetical position.
- B. A Person not licensed by the Board shall not be placed on the list.
- C. The current published list shall be posted in each court in Williamson County with criminal jurisdiction. The current published list shall be provided to each local official responsible for the detention of prisoners in Williamson County for display at each location where prisoners are examined, processed, or confined. No identifying or emphasizing marks shall be permitted on the posted list and, if such marks are made, each court and local official is responsible to obtain a new unmarked list for display.

4.4 Surety Balance Report and Security Report (*Act 1704.203(b)*)

- A. **Sheriff's Surety Balance Report.** The Sheriff (or Sheriff's designee) shall maintain records for each Bail Bond Surety including: 1) the total current liability on Bail Bonds; 2) the surety limit; and 3) the available surety. The Sheriff (or Sheriff's designee) shall provide a Surety Balance Report to the Board at each regular meeting. The Sheriff (or Sheriff's designee) shall immediately notify the Board Secretary if an Individual Surety's total current liability on Bail Bonds exceeds the surety limit.
- B. **Treasurer's Security Report.** The County Treasurer shall maintain a list of security for each Bail Bond Surety indicating the type of security deposited or executed and the total security amount. The list shall be provided to the Sheriff (or Sheriff's designee) immediately following the approval of a license and following any change in the total security amount. The County Treasurer shall provide a Bail Bond Surety Security Report to the Board at each regular meeting. The Board Secretary shall immediately notify the Sheriff (or Sheriff's designee) if an Individual Surety's current total liability on judgments nisi in Williamson County equals or exceeds twice the amount of security deposited or executed by the Individual Surety.

SECTION 5 - LICENSING REQUIREMENTS

5.1 License Required (*Act 1704.151*)

A Person may not act as a Bail Bond Surety or as an Agent in Williamson County unless the Person holds a license issued under the Act by the Board.

5.2 Attorney Exemption (*Act 1704.163*)

An attorney may execute a Bail Bond or act as a surety for another person without a license issued by the Board as authorized by the Act and other applicable law.

5.3 License Eligibility (*Act 1704.152, 1704.153, 1704.154(d)*)

- A. To be eligible for a license an individual must: 1) be a resident of this state and a citizen of the United States; 2) be at least 18 years of age; 3) possess the financial resources required to comply with the Act; 4) in the two years preceding the date a license application is filed, has been continuously employed by a person licensed under the Act 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 5) in the two years preceding the date a license application is filed, has 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.
- B. To be eligible for a license, a corporation must: 1) be chartered or admitted to conduct business in this state; and 2) qualified to write fidelity, guaranty, and surety bonds under the Insurance Code.
- C. To be eligible for a license as an agent designated by a corporation an individual must: 1) be a resident of this state and a citizen of the United States; 2) be at least 18 years of age; 3) in the two years preceding the date a license application is filed, has been continuously employed by a person licensed under the Act 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 4) in the two years preceding the date a license application is filed, has 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.
- D. A Person is not eligible for a license under the Act if, after August 27, 1973, the Person commits and is finally convicted of a misdemeanor involving moral turpitude or a felony.
- E. A Person is not eligible for a license if a Final Judgment is not paid as required by the Act.

5.4 License Application (*Act 1704.154*)

- A. To be licensed under the Act in Williamson County, a Person shall apply for a license by filing a sworn application with the Board. The application shall be in a form and contain the information required by the Board and the Act. The completed application shall be submitted to the Board Secretary not later than the first working day of the meeting month at which the application is to be considered.
- B. A corporation shall file a separate corporate application for each agent the corporation designates in Williamson County.
- C. An Individual Surety may also be licensed as an Agent.
- D. An individual may not hold more than one license as an Individual Surety and may not use an assumed name that differs from the name under which a license was granted.

5.5 License Application Preliminary Determination (*Act 1704.157*)

The Board Secretary shall review a license application to determine that the application is complete, that the applicant possesses the financial resources necessary to comply with the security requirements, and that the applicant satisfies the other requirements of these Rules and the Act. After making the preliminary determinations, the Board Secretary shall furnish a complete digital copy of the license application, and other information related to the application, if any, to each member of the Board with the Agenda for the meeting at which the license application will be considered by the Board.

5.6 License Application Hearing (*Act 1704.158*)

- A. License applications shall be considered in open session at each regular meeting of the Board.
- B. The Board Secretary shall notify the applicant of the meeting date the Board will consider the license application. The applicant shall attend the meeting in person for an original or renewal individual license application to be considered by the Board. In the case of a corporate application, the designated corporate agent and a designated corporate representative are required to attend the meeting in person for an original or renewal corporate application to be considered by the Board. The license application shall not be considered by the Board if the required applicants, agents, and representatives do not attend the meeting in person.
- C. During the hearing the Board may submit questions to the applicant, the agent, and the representative relevant to the Board's decision concerning the license application that shall be answered under oath. The applicant may present oral and documentary evidence during the hearing.

5.7 Board Order on License Application (Act 1704.159, 1704.255, 1704.257)

At the conclusion of the license application hearing, the Board shall enter an order conditionally approving the application unless the Board determines that ground(s) exist to deny the application. A Board order conditionally approving a license application becomes final on the date the applicant complies with the applicable security requirements. If the Board determines that ground(s) exists to deny the license or license renewal, the Board shall enter a written order denying the license or license renewal. The Board Secretary shall provide written notice of the Board's denial of the license or license renewal to the applicant, including a copy of the Board order. A Board order denying a license or license renewal becomes final on the 31st day after the date the license applicant receives notice of the Board order unless the license applicant files an appeal. A Board order denying a license or license renewal has full force and effect pending determination of the appeal.

5.8 Security Requirements (Act 1704.160)

- A. On receipt of notice that a license application has been conditionally approved, the license applicant, not later than the 90th day after the date the notice is received, must satisfy the security requirements for final approval of the license. An applicant may not execute a Bail Bond or conduct Bail Bond Business until applicable security requirements have been met and the license is approved.
- B. A Corporate Surety must make a separate security deposit for each license approved in Williamson County.
- C. An Individual Surety and a Corporate Surety shall maintain the amount of security required by the Act.
- D. An Individual Surety may request substitution of security. The Board, in its sole discretion, may approve the substitution of security for good cause.

5.9 Corporate Power of Attorney (Act 1704.211)

A corporation shall, before executing any Bail Bond, file with the Williamson County Clerk a power of attorney designating an agent of the corporation authorized to execute Bail Bonds on behalf of the corporation. An Agent designated by a power of attorney for a Corporate Surety must be designated in the corporation's license application. A Corporate Surety may limit the authority of an Agent by specifying the limitation in the power of attorney that is filed with the Williamson County Clerk and the Board.

5.10 License Form and Number

- A. Each license issued by the Board must show on its face the license expiration date and the license number. The same license number must appear on each subsequent renewal license. (Act 1704.161)

- B. Each Individual Surety and Agent shall write the license number on the face of each Bail Bond executed in Williamson County, and any other document presented to the Sheriff's Office, or a Williamson County Court.

5.11 License Expiration and Renewal (*Act 1704.162*)

- A. A license issued or renewed expires 24 months after the date of issuance or renewal. To renew a license, an Individual Surety or a Corporate Surety must file an application for renewal not later than the 31 days, and not earlier than 90 days, before the license expiration date. An application for renewal must comply with the requirements for an original license application, including the \$500 filing fee requirement. The Board shall approve an application for renewal if: 1) the applicant's current license is not suspended or revoked; 2) the application complies with the requirements of the Act; and 3) the Board does not determine that a ground exists to deny the application.
- B. An applicant who applies to renew a license that has been held by the applicant for at least eight (8) consecutive years without having been suspended or revoked may renew the license for a period of 36 months from the date of expiration. To renew an Individual Surety or a Corporate Surety must file an application for renewal not later than the 31 days, and not earlier than 90 days, before the license expiration date. An application for renewal must comply with the requirements for an original license application, including the \$500 filing fee requirement. The Board shall approve an application for renewal if: 1) the applicant's current license is not suspended or revoked; 2) the application complies with the requirements of the Act; and 3) the Board does not determine that a ground exists to deny the application. A license renewed for a period of 36 months may subsequently be renewed each 36 months.
- C. It is a Licensee's responsibility to obtain renewal of a license prior to expiration. If a license expires, an application for a new license is required to be completed and approved. Bail Bonds shall not be executed under the expired license.

5.12 Application Amendment

An Individual Surety, Corporate Surety, and Agent shall inform the Board by affidavit of any change in the information included in a license application or license renewal application. An amending affidavit shall be made under oath and shall be submitted to the Board Secretary within seven (7) days of the change. The procedure for Board consideration of amending affidavits shall be the same as for an original license. An amending affidavit is required to notify the Board of a new or additional office location in compliance with the Act (*Act 1704.213*).

SECTION 6 - EMPLOYEES

6.1 Board Approval Required

Each Individual Surety and Agent shall obtain Board approval of each Employee who is engaged in conducting Bail Bond Business for an Individual Surety or Corporate Surety.

6.2 Employee Eligibility

- A. An individual who has, within the preceding ten (10) years, been finally convicted of a misdemeanor offense involving moral turpitude or any felony offense is not eligible to be employed as an Employee.
- B. An individual who is employed by a law enforcement agency is not eligible to also be employed as an Employee. "Law enforcement agency" as used in this Rule includes a police department, constable office, sheriff department or office, prosecutor office, probation department, or other agency involved in the investigation or prosecution of criminal offenses or the incarceration or supervision of those convicted of criminal offenses, whether on the local, county, state or federal level, and shall additionally include any office or department with a representative on the Board.

6.3 Employee Application

To obtain Board approval of an Employee, an employee application in the form required by the Board is required. A complete, sworn, application shall be submitted to the Board Secretary with 1) a recent passport-sized photograph of the employee applicant; 2) a copy of the employee applicant's driver's license; 3) a certified copy of employee applicant's criminal history record from the Texas Department of Public Safety; and 4) payment of a \$10.00 application fee to cover the costs relating to the issuance of the employee certificate. The fee shall be processed in the same manner and for the same purposes as license application fees. If an employee applicant intends to be an Employee of more than one Licensee, a separate employee application is required for each Licensee who intends to employ the Employee.

6.4 Employee Applicant Investigation and Application Approval

The Board Secretary is designated by the Board to act on behalf of the Board to approve employee applications. The Secretary shall review an employee application, and investigate as necessary, to determine whether the employee applicant meets the requirements of the Rules. After conducting the review and any investigation, the Board Secretary shall approve or disapprove the employee application. If the Board Secretary approves the employee application the applicant shall receive an Employee Certificate. The Board Secretary shall report each approved Employee at the next regular Board meeting after approval.

6.5 Employee Application Disapproval

If the Board Secretary disapproves the employee application, the Board Secretary shall furnish a complete digital copy of the employee application, and any other information related to disapproval of the application, to each Board member with the agenda for the meeting at which the employee application will be considered by the Board. The Board Secretary shall notify the employee applicant and each sponsoring Individual Surety and/or Agent to appear in person at the meeting on the date the employee application will be considered by the Board. The Board may question the employee applicant and each sponsoring Individual Surety and/or Agent concerning the employee application that shall be answered under oath. The employee application shall not be considered by the Board if the employee applicant or the sponsoring Individual Surety and/or Agent fails to appear in person at the noticed meeting.

6.6 Employee Identification, Renewal Applications, and Dismissed Employees

- A. **Employee Identification.** The Sheriff's Office shall create an electronic profile for each approved Employee. An Employee shall present identification required by the Sheriff for access to the Williamson County Jail and as otherwise required to conduct Bail Bond Business as an Employee.
- B. **Renewal Applications** Employee profiles created in a calendar year shall expire on the last day of February of the next calendar year unless a renewal employee application is timely filed and approved. Renewal employee applications may be submitted to the Board Secretary during the month of February.
- C. **Dismissed Employees.** If an Individual Surety or Agent revokes the authority of an Employee to conduct Bail Bond Business for the Individual Surety or Corporate Surety, or if the Employee's employment with the Individual Surety or Agent ends for any reason, the Individual Surety or Agent shall give immediate written notice of such action to the Board Secretary and the Sheriff (or Sheriff's designee). The Board Secretary shall report each dismissed employee at the next regular Board meeting after dismissal.

SECTION 7 – BAIL BOND BUSINESS

7.1 Acceptance of Bail Bonds (*Act 1704.201*)

- A. The Sheriff shall accept or approve a Bail Bond executed by an Individual Surety or a Corporate Surety if: 1) the Bail Bond is for a case in a county court at law or district court filed in Williamson County; 2) the Bail Bond is executed in accordance with the Act and the Rules; and 3) a Bail Bond is required as a condition of release of the defendant for whom the Bail Bond is executed. All Bail Bonds must be executed by and in the name of the Individual Surety or Corporate Surety by its Agent.

- B. No Person other than an Individual Surety, Agent, or Employee may present a Bail Bond for the release of a defendant from custody.

7.2 Record Requirements (*Act 1704.202*)

- A. An Individual Surety or Agent shall maintain: 1) a record of each Bail Bond executed by the Licensee; and 2) a separate set of records for each county in which the Licensee is licensed.
- B. The records required to be maintained under the Act for each Bail Bond executed and enforced include: 1) the style and number of the case and the court in which the Bail Bond is executed; 2) the name of the defendant released on the Bail Bond; and 3) the amount of bail set in the case. If security is held by the Licensee, additional records required to be maintained under the Act include: 1) the amount and type of security held by the Licensee; and 2) a statement of whether the security is for the payment of a Bail Bond fee, to assure the principal's appearance in court, or both, and the conditions under which the security will be returned.
- C. The records required shall be maintained at the Individual Surety's or Agent's office location in Williamson County for not less than four (4) years after the conclusion of the case for which the Bail Bond was executed. The required records shall be made available for inspection and copying by the Board or an authorized representative of the Board on request.
- D. **Monthly Report.** Each Individual Surety and Agent shall submit a complete Monthly Report form to the Board Secretary not later than the 10th day of each month. Records required to complete the Monthly Report shall be maintained at the Individual Surety's or Agent's office location in Williamson County for not less than two (2) years after the Monthly Report is submitted to the Board Secretary. The records shall be made available for inspection and copying by the Board or an authorized representative of the Board on request.

7.3 Individual Surety Bail Bond Limits and Security (*Act 1704.203, 1704.210*)

- A. This section does not apply to a Corporate Surety.
- B. An Individual Surety shall not execute a Bail Bond that exceeds the Individual Surety's aggregate bail bond limit. All Bail Bonds executed in Williamson County shall be subtracted from an Individual Surety's aggregate bail bond limit, including Bail Bonds executed in Williamson County and transferred to another county. The Sheriff shall not accept Bail Bonds from an Individual Surety until compliance with the required "bail bond limit ratio" is established and confirmed by the County Treasurer and the Sheriff.

- C. An Individual Surety shall not execute a Bail Bond if the amount of the Individual Surety's current total liability on judgments nisi in Williamson County equals or exceeds twice the amount of security deposited or executed by the Individual Surety. The Sheriff shall not accept Bail Bonds from an Individual Surety until compliance with the required "judgment nisi ratio" is established and confirmed by the County Treasurer and the Sheriff.
- D. An Individual Surety may, at any time, deposit or execute additional security. If the additional security is in the form of cash, certificate of deposit, or cashier's check, it shall be immediately added to the security account upon receipt by the County Treasurer. If the additional security is real estate, it shall be added to the security account when approved by the Board.
- E. Withdrawal of security must be in accordance with the Act. An Individual Surety's request for withdrawal of security must be submitted in writing to the Board Secretary. The Board Secretary shall contact the Sheriff (or Sheriff's designee) and confirm that the requested security withdrawal complies with the Act and the Rules. If the requested security withdrawal complies with the Act and the Rules, the Board Secretary may authorize the withdrawal of security. The Board Secretary shall report withdrawals of security to the Board and the next regular meeting. Not more than two security withdrawal requests may be submitted by an Individual Surety in a 12-month period.

SECTION 8 - ENFORCEMENT AUTHORITY

8.1 Complaints (*Act 1704.251*)

- A. **Board Authority to Investigate Complaints.** The Board may, on its own motion, investigate an action of or a record maintained by a Licensee that relates to a complaint that the Licensee has violated the Act or a Rule. The Board shall investigate an action of, or a record maintained by a Licensee if a court requests an investigation. The Board shall investigate an action of, or a record maintained by, a Licensee if the Board receives a written complaint, made under oath, providing reasonable cause to believe that a violation of the Act or a Rule has occurred.
- B. **Complaint Receipt and Response.** The Board Secretary is designated as the agent of the Board for the receipt of complaints against a Licensee. The Board Secretary will provide a copy of the complaint to the Licensee and request the Licensee's written response to the complaint within ten (10) days.

- C. **Board Consideration of a Complaint.** The complaint shall be considered by the Board at the next regular meeting after the Licensee's written response to the complaint is received or the ten (10) day response deadline has passed without a response. The Board Secretary shall furnish a digital copy of the complaint and the Licensee's response to each member of the Board with the Agenda for the meeting at which the complaint will be considered by the Board. The Board shall take action or issue orders that the Board deems appropriate concerning the complaint.
- D. **Complaint Log.** The Board Secretary shall maintain a Complaint Log that includes: Date Complaint Received, Complainant Name, Licensee Name, License Number, Date Response Received, and Outcome.

8.2 License Suspension/Revocation Hearings(Act 1704.254, 1704.257)

- A. A hearing to suspend or revoke a license may be set on the Board's motion or as a result of a sworn complaint received by the Board. The hearing will be noticed and conducted in compliance with the Open Meetings Act.
- B. The Board Secretary shall provide notice of a hearing to suspend or revoke a license to the Licensee. The notice of hearing shall: 1) be mailed by certified mail to the last known address of the Licensee at least eleven (11) days before the hearing; 2) state each alleged violation of the Act or Rule; 3) include a copy of any written complaint on which the hearing will be based, and 4) advise the Licensee of an opportunity to inspect and copy the evidence that will be offered at the hearing.
- C. Before the hearing begins, a Board member shall advise the Licensee of the right against self-incrimination.
- D. The hearing is limited to each alleged violation stated in the notice of hearing. The Board Chair, Vice-Chair, and Secretary have authority to issue subpoenas upon the request of any interested party to the hearing. During the hearing, the Licensee is entitled to an opportunity to be heard and may present and cross-examine witnesses. The hearing shall be recorded, and the Licensee may obtain a copy of the hearing record on written request and payment of the reasonable costs of transcription.
- E. At the conclusion of the hearing the Board shall issue an order. If the Board determines that ground(s) exists to suspend or revoke a license the Board shall enter a written order of license suspension or license revocation stating the ground(s) for the action. The Board Secretary shall provide a copy of the Board order to the Licensee by certified mail.
- F. The Board order becomes final on the 31st day after the date the Licensee receives notice of the Board order unless the Licensee files an appeal. A Board order of license suspension or license revocation has full force and effect pending determination of the appeal.

- G. The Board Secretary shall immediately notify each court and each local official responsible for the detention of prisoners in Williamson County of the suspension or revocation of a license issued by the Board. (*Act 1704.107*)

8.3 Grounds for Discretionary License Suspension or Revocation. (*Act 1704.252*)

After notice and hearing, the Board may suspend or revoke a license on grounds set forth in the Act.

8.4 Grounds for Mandatory License Suspension or Revocation

- A. **Insufficient Security (*Act 1704.253*).** If a Licensee fails to maintain the amount of security required by the Act, the Board Secretary shall immediately notify the Board Chair who shall call a special meeting of the Board to consider suspension of the Licensee's license without the necessity of notice and hearing. If the Board finds that the Licensee has failed to maintain the amount of security required by the Act, the Board shall enter an order suspending the license while the violation continues. If the Licensee subsequently complies with the security requirements of the Act, the Board Secretary shall provide written notice to the Board and the Licensee confirming that the security requirements of the Act have been met and the license suspension is terminated.

B. Failure to Pay Final Judgment

1. **Posting Bonds Suspended (*Act 1704.2535*).** The District Attorney or County Attorney shall notify the Board Secretary and the Sheriff if a Bail Bond Surety fails to pay a Final Judgment as required by the Act. After receiving notification, the Sheriff shall not accept any Bail Bonds from the Bail Bond Surety until the Final Judgment is paid. The Bail Bond Surety's ability to post Bail Bonds is reinstated when the Final Judgment is paid.
2. **Payment of Final Judgment from Security (*Act 1704.204, 1704.206*).** If a Bail Bond Surety fails to pay a Final Judgment as required by the Act, the Final Judgment shall be paid from the Bail Bond Surety's security. The Bail Bond Surety shall deposit additional security, if necessary, to comply with the security requirements of the Act.
3. **Final Judgment/Insufficient Security (*Act 1704.253(b)*).** If a Bail Bond Surety fails to pay a Final Judgment as required by the Act and the amount of security maintained by the Bail Bond Surety is insufficient to pay the Final Judgment, the Board, after notice and hearing, shall revoke the Bail Bond Surety's license.
4. **Corporate Surety Notice (*Act 1704.108*).** The Board shall notify the Texas Department of Insurance if a Corporate Surety fails to pay a Final Judgment as required by the Act.

SECTION 9 - PROHIBITED CONDUCT

9.1 License Required to Execute Bail Bonds (*Act 1704.303(a)*)

A Person required to be licensed under the Act may not execute a Bail Bond unless the Person holds a license issued under the Act by the Board.

9.2 Return of Security (*Act 1704.301*)

A Licensee may not hold security for more than 30 days after the date on which the owner of the security requests return of the security in writing and submits written evidence of the conclusion of the payment agreement or all of the criminal cases for which the security was given.

9.3 Referrals of or Employments with Bail Bond Business (*Act 1704.302*)

- A. A Licensee or Employee may not directly or indirectly give, donate, lend, or contribute, or promise to give, donate, lend, or contribute, money or property to an attorney, police officer, sheriff, deputy, constable, jailer, or employee of a law enforcement agency for the referral of Bail Bond Business.
- B. An individual may not accept or receive from a money, property, or any other thing of value from a Licensee as payment for the referral of Bail Bond Business unless the records of the Board show that the individual is an Agent or Employee of the Licensee.
- C. An individual may not accept or receive money, property, or any other thing of value from a Licensee as payment for employment with a Bail Bond Business if, within the preceding ten (10) years, the individual has been convicted of a misdemeanor involving moral turpitude or of a felony.

9.4 Recommendations or Solicitations (*Act 1704.304*)

- A. A Licensee or Employee may not recommend or suggest to an individual for whom the Licensee executes a Bail Bond the employment of an attorney or law firm in connection with a criminal offense.
- B. These individuals may not recommend a particular Bail Bond Surety or Agent to another Person: a police officer, sheriff, or deputy; a constable, jailer, or employee of a law enforcement agency; a judge or employee of a court; another public official; or an employee of a related agency.
- C. A Licensee or Employee may not solicit Bail Bond Business in a police station, jail, prison, detention facility, or other place of detainment for individuals in the custody of law enforcement.

- D. A Licensee or Employee may not make, cause to be made, or benefit from unsolicited contact by telephone to solicit Bail Bond Business that occurs between the hours of 9 p.m. and 9 a.m. (*Act 1704.109(b)(2)(A)*)
- E. A Person may not place a device in a place of detention, confinement, or imprisonment that dispenses a Bail Bond in exchange for a fee.

9.5 Bail Bond Receipt and Inspections (*Act 1704.305*)

A Licensee shall not receive money or other consideration or thing of value from a Person for whom the Licensee executes a Bail Bond unless the Licensee issues a receipt to the Person that states: the name of the Person who pays the money or transfers the consideration or thing of value; the amount of money paid or the estimated amount of value transferred; a brief description of the consideration or thing of value; the style and number of the case and the court in which the Bail Bond is executed; and the name of the Person receiving the money, consideration, or thing of value. A Licensee shall retain a duplicate copy of the receipt. The copy of the receipt shall be made available for inspection by a representative of the Board and an appointed representative of a court in which the Licensee agrees to execute Bail Bonds.

9.6 False Records (*Act 1704.306*)

A Person shall not falsify a record required to be maintained under the Act or the Rules.

9.7 Advertising (*Act 1704.109(a)*)

- A. A Person may not advertise a Bail Bond Business in Williamson County unless the Person holds a license issued under the Act by the Board. An advertisement that appears in more than one county must clearly indicate the county or counties in which the Person holds a license issued under the Act and any local telephone number in the advertisement must be a local telephone number for a county in which the Person holds a license issued under the Act. (*Act 1704.303(b)*)
- B. No Licensee shall place or permit to be placed, any advertising at any place where prisoners are examined, processed or confined. The dissemination of personal or professional cards is advertising.
- C. Advertising for a Licensee shall not contain any representation that the Licensee is associated with any attorney or any firm that engages in investigative services or that the Licensee is an official agency of Williamson County.
- D. Advertising for an attorney shall not contain any representation that the attorney is associated with any Licensee or any firm that engages in investigative services.

- E. Advertising for Licensees shall be listed in the business name of the Licensee and may contain an assumed name. Any assumed name used in advertising must be the assumed name under which the license was approved by the Board.

9.8 Securing Presence of Defendant who Fails to Appear

A Licensee shall not employ or contract with a person to secure the appearance of a defendant who has violated Texas Penal Code Section 38.10 (bail jumping and failure to appear) unless the person is a peace officer, a licensed private investigator, or a commissioned security officer employed by a licensed guard company.¹

SECTION 10 - SEVERABILITY OR CONFLICT

If any provision of these Rules, or the application of these Rules, is held invalid, the other provisions or applications of these Rules that may be given effect without the invalid provision or application will remain in full force and effect. These Rules are declared severable. If there is a conflict between these Rules and the Act, the Act controls.

SECTION 11 – APPROVAL

These Rules, as amended, are approved by the Williamson County Bail Bond Board. All prior Board Rules in conflict with these Rules are repealed.

APPROVED by majority vote of the Board on March 18, 2022.

WILLIAMSON COUNTY BAIL BOND BOARD

BY: _____

Jessica Zak, Board Chair

ATTEST: _____

BY: _____

Scott Heselmeyer, Board Secretary

¹See Texas Occupations Code Section 1702.3863.