

TOM GREEN COUNTY BAIL BOND BOARD

DATE: APRIL 16, 2014

TO: CRIMINAL DEFENSE BAR OF TOM GREEN COUNTY

FROM: TOM GREEN COUNTY BAIL BOND BOARD

Dear Sir or Madam,

An agenda item at the April 2014 meeting of the Bail Bond Board concerned whether attorneys can issue bail bonds for a person in a criminal case and what procedures need to be followed. Texas Occupations Code Chapter 1704 Subchapter D details the licensing requirements for a person wishing to execute a bond or act as bail bond surety. Section 1704.163 provides an exemption for attorneys so that they need not obtain a license from the Bail Bond Board. This exemption for attorneys is also listed in the Rules and Regulations of the Tom Green County Bail Bond Board Section 4.1.

Although attorneys are exempt from the licensing requirements of Chapter 1704, the solvency requirements of the Texas Code of Criminal Procedure Article 17 still apply. Therefore, if you are an attorney licensed to practice law in the State of Texas and wish to execute a bail bond or act as a surety for a person you represent in a criminal case, you must complete the Tom Green County Attorney's Bail Bond Application. The form is available by visiting the Tom Green County website at <http://www.co.tom-green.tx.us/> and following the link for Bail Bond Board. There you will find the form titled "Attorney Bail Bond Application". Completed forms may be returned to Dianna Spieker at 122 West Beauregard. Once completed you will be provided with a name badge that you will present to jail personnel when you execute a bond.

Please be advised pursuant to Occupations Code 1704.163 (b) a person executing a bail bond or acting as a surety under this section may not engage in conduct involved with that practice that would subject a bail bond surety to license suspension or revocation. If the board determines that a person has violated this subsection, the board may suspend or revoke the person's authorization to post a bond under this section or may bar the person from executing a bail bond or acting as a surety under this section until the person has remedied the violation. Additionally, under 1704.163 (c) a person executing a bail bond or acting as a surety under this section is not relieved of liability on the bond solely because the person is later replaced as attorney of record in the criminal case.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay Mohler", is written over a horizontal line.

Jay Mohler, Chair, Tom Green County Bail Bond Board