

By: Lozano

H.B. No. 2894

A BILL TO BE ENTITLED

AN ACT

relating to the election of certain county bail bond board members.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1704.0535, Occupations Code, is amended to read as follows:

Sec. 1704.0535. ELECTION OF CERTAIN BAIL BOND [~~SURETY~~] BOARD MEMBERS [~~MEMBER~~]. (a) The board shall annually conduct a secret ballot election to elect the members [~~member~~] of the board who serve [~~serves~~] as the representative of licensed bail bond sureties and the representative of the criminal defense attorneys by electing:

(1) a licensed bail bond surety or agent for a corporate surety board member; and

(2) a criminal defense attorney who is practicing in the county.

(b) Each individual licensed in the county as a bail bond surety or agent for a corporate surety is entitled to cast one vote for each license held to elect the board member who is a surety or agent for a corporate surety.

(c) 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 who is a criminal defense attorney.

(d) Each elected justice of the peace in the 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 a justice of the peace.

SECTION 2. The changes in law made by this Act regarding the election of certain county bail bond board members do not affect

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the entitlement of a member serving on a board immediately before the effective date of this Act to continue to serve and function as a member of the board for the remainder of the member's term. Those changes in law apply only to a member elected on or after the effective date of this Act.

SECTION 3. This Act takes effect September 1, 2015.

BILL ANALYSIS

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County Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that certain members of a county bail bond board are not public officials: an elected licensed bail bond surety or agent for a corporate surety in the county or applicable designee and an elected criminal defense attorney practicing in the county. The parties assert that, while statute initially did not provide for how these members were to be elected, an election procedure was eventually provided for the surety or agent, but the law remains silent with respect to the procedure for the criminal defense attorney board member. H.B. 2894 seeks to provide for such election.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2894 amends the Occupations Code to require a county bail bond board to conduct an annual secret ballot election to elect the board member who serves as the representative of the criminal defense attorneys by electing a criminal defense attorney who is practicing in the county. The bill entitles 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 to cast one vote to elect the board member who is a criminal defense attorney.

EFFECTIVE DATE

September 1, 2015.