MONTGOMERY COUNTY

BAIL BOND BOARD
LOCAL RULES
ADOPTED

12-21-2022
MONTGOMERY COUNTY BAIL BOND BOARD LOCAL RULES

SECTION 1 – GENERAL PROVISIONS

1.1 AUTHORITY AND SCOPE OF RULES

Pursuant to the authority granted by Chapter 1704 of the Texas Occupations Code, the following rules ("Rules") are adopted by the Montgomery County Bail Bond Board. Should a conflict exist, the statutory provision set out in Chapter 1704 shall prevail. All statutes referenced throughout these Rules may be presumed to be from the Texas Occupations Code unless otherwise identified. All investigations and enforcement of these Rules shall be done in accordance with Chapter 1704.

1.2 PURPOSE

The purpose of these Rules is to supervise and regulate each phase of the bonding process in Montgomery County ("County") and to adopt and post local rules necessary to implement the Texas Occupations Code, Section 1704.101.

1.3 DEFINITIONS

The following words and terms, when used in these Rules, shall have the following meanings, unless the context clearly indicates otherwise.

A. "Administrator" means the Administrator employed by the Montgomery County Bail Bond Board.

B. "Board" means the Montgomery County Bail Bond Board.

C. "Licensee" means either a licensed bail bond surety (individual or corporation) or a licensed agent of a corporate surety, licensed in Montgomery County.

D. "Employee(s)" means any person hired by a Licensee or corporate agent who performs any of the following duties:

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 Montgomery County Sheriff’s Office ("Sheriff’s Office") for approval;
4) Interviews or takes information from person(s) who have been or will be released from jail, pursuant to a bond provided by the licensee.
SECTION 2 – APPLICATIONS—LICENSE AND LICENSE RENEWALS

2.1 All applications for a license must be submitted on the form(s) approved by the Board and in accordance with Section 1704.154. The application shall be delivered to the Administrator by appointment only. An initial hearing on a properly completed sworn application for a new license with all required attachments will generally be held no later than ninety (90) days after the complete application has been received by the Administrator.

A. Properly completed sworn applications for renewal of a license must be filed and delivered to the Administrator by appointment only, and at least thirty-one (31) days before the expiration of a license. The sworn applications must meet the criteria of Sections 1704.154 and 1704.162.

B. Incomplete applications will not be placed on the Bail Bond Board agenda.

C. Applicants and license holders are required to attend the Bail Bond Board meeting and will be subject to questioning by the Board when their application is considered and prior to a vote by the Board on that license application or license application renewal.

2.2 Licensees in Montgomery County are required to obtain a FBI Criminal History Background Check ("Background Check"). A new application or renewal application must meet the following requirements:

A. Fingerprints shall be completed by the Montgomery County Sheriff’s Office in accordance with 1704.154(b) (4) (F) for new applicants and for any renewals whose fingerprints are not on file.

B. Background check reports with fingerprints for Licensees and all employees must be submitted with all applications and renewals. The Background check must have been completed within the previous one year (1 year) prior to date of application.

2.3 RECOMMENDATION LETTERS

The following applies to new and renewal applications and is in addition to the requirements in Section 1704.154 (b) (C). Three (3) Recommendation letters are required and they must be from individuals that have known the applicant for three (3) or more years.

A. Recommendation letters will include the following:

1. Name
2. Address
3. Phone number
4. Email address
5. Legible signature and printed name
B. The letters cannot be from a family member falling within the third degree by consanguinity or within the second degree by affinity or an employee of the Licensee or applicant. A letter of recommendation form has been provided in the application packet.

C. If the Administrator is unable to verify the recommendation for any reason, this may result in a license suspension, revocation, or denial of issuance of a license in accordance with Section 1704.252.

2.4 ASSUMED NAMES

A. Each Licensee or agent for a corporate surety who uses an assumed name must submit a copy of the assumed name certificate on file with Montgomery County Clerk's Office to the Board.

B. A Licensee or agent for a corporate surety shall not use an assumed name that is the same as, or deceptively similar to, an assumed name that is already being used by a Montgomery County Bail Bond Licensee or corporate surety.

C. A Licensee or agent for a corporate surety may use a similar assumed name for its own additional licenses.

D. Licensees should avoid filing legal documents that could create confusion or potentially result in a misrepresentation of their ownership interest in other active bail bond organizations.

2.5. COLLATERAL DEPOSIT, SUBSTITUTIONS AND WITHDRAWAL

Collateral and additional collateral requirements include the following:

A. Collateral for a new license must meet all the requirements of Section 1704.160 and be in a single form of collateral.

B. Additional collateral requirements must meet all the requirements of Section 1704.203:

1. In the event a Licensee chooses to add collateral in the form of real property deeded in trust to the County, the property must meet the criteria of Section 1704.155. If the Licensee chooses to add collateral other than real property it must meet the criteria of Section 1704.160(b). If Licensee wishes to add collateral it may be in any form.

2. In the event a Licensee wishes to substitute property for the property used as collateral, it must also meet the requirements of the applicable Occupations Code Section.

3. If the Licensee wishes to substitute collateral for the original collateral pledged it must be in the same form and meet or exceed the minimum collateral
required.

4. Licensees may substitute or withdraw collateral only upon the Board's approval.

5. All documents for property being presented as collateral must be included in the application packet. This includes, but is not limited to, tax statements, insurance documents, and proof of no liens.

6. Licensees that have property pledged as collateral are required to submit proof of taxes being paid for the previous year by February 15th of the year following that tax year. Failure to provide proof of payment by the February 15th deadline, will result in being placed on the next agenda following the deadline for the Board to consider, discuss and take action.

7. Licensees that have property pledged as collateral that includes a structure or structures on the property that require insurance coverage, shall submit proof of insurance with the proof of taxes paid by the February 15th deadline noted in Section 2.5 (6) and also upon renewal of insurance policies during the year. Failure to provide proof of payment by the February 15th deadline, will result in being placed on the next agenda following the deadline for the Board to consider, discuss and take action.

SECTION 3 – QUALIFICATIONS & ELIGIBILITY FOR BAIL BOND EMPLOYEES

3.1 BAIL BOND EMPLOYEES

Licensees in Montgomery County are required to obtain FBI Criminal History Background Checks ("Background Check") on their Employees, and maintain and provide these records to the Administrator.

A. New employees are required to obtain a background check in accordance with this section. If a new employee has been working for another Montgomery County licensed bondsman and their background check can be verified, is not more than one year old, and is already on file with the Administrator, it will be accepted.

B. The forms for new employees must be submitted to the Administrator within thirty (30) calendar days of employment. Upon receipt of the Background check, a copy shall be submitted to the Administrator.

C. No Licensee shall employ any person who:

1. after August 27, 1973 commits or has committed an offense for which they have been finally convicted of a felony or a misdemeanor involving moral turpitude, or:

2. is also employed by a law enforcement or judicial agency; for the purpose of this Rule, "law enforcement agency" shall include any local, county, state or federal officer, police, constable, sheriff department, prosecutor's office, probation department, parole division, or any other department involved in
the investigation or prosecution of criminal offenses; or

3. is also employed by any city or county agency or department that has a representative serving on the Bail Bond Board.

SECTION 4 – ARRESTS AND DISPOSITIONS – LICENSEES AND EMPLOYEES

4.1 Licensees must notify the Board in writing within three (3) days of an arrest of a crime of moral turpitude or a felony. Licensees shall also provide to the Board details of the final disposition within three (3) days.

4.2 Licensees must notify the Board in writing within three (3) days of knowledge of an arrest of a crime of moral turpitudes or a felony of any employee. Licensees shall also provide to the Board details of the final disposition within three (3) days.

4.3 Sureties must notify the Board within ten (10) days if an employee becomes ineligible. Qualifications or disqualifications for employees are set forth in Section 1704.302 of the Texas Occupations Code.

SECTION 5 – ADVERTISING

5.1 To protect the public from fraud or misrepresentation, each Licensee shall use and advertise only one assumed name per license.

A. The assumed name must be on file with the Montgomery County Clerk's Office in accordance with Chapter 36 of the Texas Business Code and/or the Texas Insurance Code.

B. A certified copy of the Assumed Name Certificate must be on file with the Administrator and in accordance with the Texas Occupations Code Chapter 1704. This name must match the name on the application for the Licensee in compliance with 1704.154(b)(2)(c).

C. Advertising must comply with Section 1704.303(b). For licensees who are licensed and advertise in multiple counties, advertising must comply with Sect. 1704.303(b).

SECTION 6 – SOLICITATION / CONSENT OF PRINCIPAL

6.1 To eliminate and reduce confusion of principals and their families, no Licensee shall present any bond to the Sheriff's Office without the authorization of the principal or by an individual acting with the consent of the principal.

A. To the extent allowable by law, solicitations are prohibited pursuant to Sections 1704.109 and 1704.304.

B. Licensees and their employees shall comply with all federal, state, and local laws when using skip tracing services including the Driver’s Privacy Protection Act (DPPA) and the Gramm–Leach–Billey Act (GLBA).

C. Unauthorized use, including for the use for solicitation purposes, or disclosure of any Information obtained from a skip tracing provider or subscription based service
SECTION 7 – LICENSED SURETY AND AGENT PHONE NUMBERS

7.1 ROTATION LISTS

A. Section 1704.105, the Administrator shall prepare a list of each Licensee in the County. This list is displayed at each location where prisoners are examined, processed or confined. The list includes the phone number for the licensee. Each Licensee may choose the phone number to be displayed on the list. If the Licensee wants to change the phone number on the list, it must be on the Licensee’s letterhead and signed by the Licensee that appears on the list.

B. Licensees and employees must clearly state the full name of the organization for all inbound and outbound communications to eliminate confusion by the public.

C. For additional information including the Rotation List procedures and locations, please see Exhibits “B” and “C”.

SECTION 8 – MEETINGS / ELECTION OF CERTAIN BAIL BOND BOARD MEMBERS

8.1 SURETY REPRESENTATIVE/LICENSEE

A. The Board shall conduct a secret ballot election annually to elect Board members who will serve as representatives of Surety Representative or Licensees and criminal defense attorneys. The election for the Licensees and the criminal defense attorneys will be held prior to the annual Board meeting in January. The Administrator shall maintain a register of eligible Licensees. Each Licensee in the County is entitled to cast one vote for each license held.

B. The election for Surety Representative-Licensee will be conducted as follows:

Balloting will be scheduled and held in the method prescribed by the Board. Ballots and register will be provided to the election office by the Administrator. All voting will take place at the election office. The election office will return the register along with the ballots in a sealed envelope to the Administrator after the election. The Surety Representative to the Board shall be announced at the Board meeting immediately following the election. If the event of a tie, a runoff election will be scheduled by the Board.

8.2 CRIMINAL DEFENSE ATTORNEY REPRESENTATIVE

A. The election for the criminal defense attorneys' representative will be conducted as follows:

The Administrator will provide ballot forms and register to the election office. The ballot register will include an acknowledgment signed by the attorney before the Board will be given the ballots. The election office will return the register along with the ballots in a sealed envelope to the Administrator. The criminal defense attorney representative winner shall be announced at the Board meeting immediately
following the election. In the event of a tie, a runoff election will be scheduled by the Board.

8.3. **ELECTION OF PRESIDING OFFICER AND VICE PRESIDING OFFICER**

A. The Board shall elect one of its members annually as Presiding Officer and Vice-Presiding Officer at the first February Board meeting. The Presiding Officer shall preside at all Board meetings. In the absence of the Presiding Officer, the Vice-Presiding Officer shall preside at the Board meetings. In the absence of both the Presiding Officer and the Vice Presiding Officer, the chain of succession will follow as outlined in Section 1704.053 and Exhibit D attached to these Local Rules, Rules of Order, and Section III. The Vice-Presiding Officer shall become the Presiding Officer in the event the Presiding Officer resigns or is removed before the end of their term. The Board will then elect a new Vice-Presiding Officer at the meeting immediately following the resignation of the current Vice-Presiding Officer before the end of current Presiding Officer’s term.

B. The Presiding Officer or Vice-Presiding Officer may be removed by a two-thirds (“2/3”) majority vote of the remaining Board members upon a showing of a gross misfeasance or indictment for a criminal act of either Officer.

C. The Board positions eligible to have designees under Section 1704.053 must provide written notification of their designee to the Board before the designee will be eligible to constitute a quorum or vote.

8.4 **RULES OF ORDER**

The Bail Bond Board typically follows an abridged version of Robert’s Rules of Order.

**SECTION 9.0 – COMMITTEES APPOINTED OR NOMINATED BY THE BOARD**

9.1 **COMPLAINT SUBCOMMITTEE / SWORN COMPLAINTS**

A. At the annual February meeting of the Board, the Board shall choose or appoint a Complaint Subcommittee (“Complaint Subcommittee”) for the year.

B. The Complaint Subcommittee shall consist of three (3) Board members.

C. The purpose of the Complaint Subcommittee shall be to review the complaint against the Licensee and present a recommendation to the Board.

D. The Complaint Subcommittee may consult with the County Attorney to assist with complaints.
All recommendations must be presented to and voted on by the Board during an open meeting.

E. Sworn complaints may only be completed and submitted by the complainant and shall be filed with the Administrator (see “Exhibit A”). Upon receipt of the complaint the Administrator shall send a copy of the complaint and appropriate documents to the licensee or Bond Company and request a response within 72 hours. All complaints and licensee responses shall be reviewed by the Subcommittee within a timely manner. Following the Subcommittee’s meeting to review any complaint, the subcommittee shall present a summary of the complaint, and the Complaint Subcommittee’s recommendation at the next scheduled meeting. At the direction of the Presiding Officer, the Administrator shall issue notice of meeting to both the complainant and the respondent stating they are required to appear at the next Board meeting to answer questions before taking the matter into consideration, including whether a formal hearing needs to be set.

F. Posting requirements - Licensees in the County are required to post a public notice in their offices regarding the complaint protocol against a Licensee. An example of this notice is attached as Exhibit “A”. All new Licensees must post the required notice in their offices within thirty (30) days after a new license is approved. See Section 1704.102(a)(3) for enforcement authority which provides that the Board shall suspend or revoke a license for a violation as outlined in Chapter 1704 or a Rule adopted by the Board under that Chapter.

9.2 COMPOSITION AND RULES FOR LOCAL RULES SUBCOMMITTEE

A. At the annual February meeting of the Board, the Board shall choose or appoint a Local Rules Subcommittee (“Rules Subcommittee”) for the year.

B. The Rules Subcommittee shall consist of three (3) Board members.

C. The purpose of the Rules Subcommittee shall be to review, discuss, and present recommended amendments to these Local Rules, as well as, other governing documents to the Board for consideration.

D. The Rules Subcommittee may consult with the County Attorney to assist with these recommendations. All recommendations must be presented and voted on by the Board during an open meeting.

9.3 COMPOSITION AND RULES FOR AUDIT COMMITTEE

A. At the annual February meeting of the Board, the Board shall choose or appoint an Audit Committee for one year.

B. The Audit committee shall consist of two (2) Board members and the Administrator.

C. The purpose of the Audit Committee shall be to review records of the Licensees in Montgomery County on at least an annual basis.
D. The Audit Committee may consult with the County Attorney to assist with findings and recommendations. All findings and recommendations must be presented and voted on by the Board during an open meeting.

E. See Attachment D- Example of the audit form used by the Audit Committee.

SECTION 10 – PROCEDURAL RULES

10.1 DECISION OR ORDER IN A CONTESTED CASE


B. Form of Decision - A final decision or order made by the Board that is adverse to a party in a contested case must be in writing or recorded in the minutes at the Board meetings.

C. Notification of decisions and orders - A party in a contested case shall be notified of any decision or order made by the Board via first class mail. The decision or order shall be sent to a party's attorney of record if a party is represented by counsel. The Board shall keep a record of the mailing to said party or attorney of record. A party or attorney of record notified is presumed to have been notified on the third (3rd) day after the date the notice is mailed.

D. Time for Rendering Decision - A decision or order rendered by the Board in a contested case must be rendered no later than the fiftieth (50th) day after the date on which the hearing is finally closed. If a decision is not rendered within the deadline, the relief sought by the filer is deemed denied.
Additionally, the following modification of the language of Chapter 2001 of Texas Government Code is adopted to wit:

All references to "state agency" are hereby construed and adopted to include Montgomery County Bail Bond Board as an agency or entity for application of these Local Rules adopted on 12/31/22 in replacement of all previously adopted Rules and are effective on the first (1st) day after they have been posted for ten (10) days in an appropriate place at the Montgomery County Courthouse.

Date Approved 12/31/22

<table>
<thead>
<tr>
<th>Daron Bailey</th>
<th>Defense Attorney Representative</th>
</tr>
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<td>Presiding Officer</td>
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</tr>
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</table>

<table>
<thead>
<tr>
<th>District Attorney or Designee</th>
<th>County Sheriff or Designee</th>
</tr>
</thead>
<tbody>
<tr>
<td>District Judge</td>
<td>County Judge or Commissioner’s Court Designee</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>County Court at Law Judge</th>
<th>Justice of the Peace</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>County Clerk or County Clerk’s Designee</th>
<th>Presiding Judge of Municipal Court</th>
</tr>
</thead>
<tbody>
<tr>
<td>District Clerk or District Clerk’s Designee</td>
<td>Treasurer or Designee</td>
</tr>
</tbody>
</table>

Surety Representative
THIS COMPANY IS LICENSED AND REGULATED BY THE
MONTGOMERY COUNTY BAIL BOND BOARD
COMPLAINTS SHOULD BE DIRECTED TO THE:

MONTGOMERY COUNTY BAIL BOND BOARD
ATTN: BOARD ADMINISTRATOR
501 N. THOMPSON, ROOM 201
CONROE, TEXAS 77301

PHONE: 936-538-3520
FAX: 936-760-6960
EMAIL: MCBBB@mctx.org
Procedures for Licensee Rotation List

1. The Bail Bond Board Administrator or their designee shall work up a schedule of monthly posting dates for the New Year prior to the December meeting to present to the Board for review.

2. Posting should be for 30 days or as close to that as possible taking into consideration holidays and weekends.

3. When preparing the new month's list, the name that is currently at the top is moved to the bottom which results in all the others moving up one slot.

4. State in the email when the rotation list should be posted when sending it to the courts.

5. A copy is emailed to Central Jail Records, mcsocir@mctx.org, they laminate and post them in the Holding tanks and the back where prisoners are held.

6. The lists for all Courts, County, Municipal, JP and District Courts shall be emailed, See Exhibit C for the list and emails.

7. Email the new list 3 – 5 days prior to the posting date, when sending the email, click on options at the top of the email, under tracking, check request a delivery receipt.

8. Perform random checks on the court to be sure the current list is posted.

9. Scan a copy of the approved list and post it on the Bail Bond Board website.

See Exhibit C – List of County, Municipal, JP and District Courts list updated to reflect email addresses the list shall be emailed to each month.
# MONTGOMERY COUNTY BAIL BOND BOARD
## LOCAL RULES
### EXHIBIT C

## List of Municipal, JP, District and County Courts

<table>
<thead>
<tr>
<th>City of Conroe Municipal Court</th>
<th>Justice of the Peace, Pct. 1</th>
</tr>
</thead>
<tbody>
<tr>
<td><a href="mailto:courts@cityofconroe.org">courts@cityofconroe.org</a></td>
<td>Willis, Texas and</td>
</tr>
<tr>
<td></td>
<td>Montgomery, Texas</td>
</tr>
<tr>
<td>City of Oak Ridge</td>
<td><a href="mailto:Kimberly.wilson@mctx.org">Kimberly.wilson@mctx.org</a></td>
</tr>
<tr>
<td>North Municipal Court</td>
<td><a href="mailto:Kenneth.flores@mctx.org">Kenneth.flores@mctx.org</a></td>
</tr>
<tr>
<td><a href="mailto:court@oakridgenorth.com">court@oakridgenorth.com</a></td>
<td><a href="mailto:Celina.barcenas@mctx.org">Celina.barcenas@mctx.org</a></td>
</tr>
<tr>
<td></td>
<td><a href="mailto:Brandie.Lopez@mctx.org">Brandie.Lopez@mctx.org</a></td>
</tr>
<tr>
<td>City of Shenandoah Municipal Court</td>
<td>Justice of the Peace, Pct. 2</td>
</tr>
<tr>
<td><a href="mailto:jdthompson@shenandoahtx.org">jdthompson@shenandoahtx.org</a></td>
<td><a href="mailto:anna.medina@mctx.org">anna.medina@mctx.org</a></td>
</tr>
<tr>
<td>Town of Cut &amp; Shoot Municipal Court</td>
<td>Justice of the Peace, Pct. 3</td>
</tr>
<tr>
<td><a href="mailto:amy@cutandshoot.org">amy@cutandshoot.org</a></td>
<td><a href="mailto:tiffany.hartin@mctx.org">tiffany.hartin@mctx.org</a></td>
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<td></td>
<td><a href="mailto:Jp3_main@mctx.org">Jp3_main@mctx.org</a></td>
</tr>
<tr>
<td>City of Stagecoach Municipal Court</td>
<td>Justice of the Peace, Pct. 4</td>
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<tr>
<td><a href="mailto:court@stagecoachtx.us">court@stagecoachtx.us</a></td>
<td><a href="mailto:victoria.thornton@mctx.org">victoria.thornton@mctx.org</a></td>
</tr>
<tr>
<td>City of Willis Municipal Court</td>
<td>Justice of the Peace, Pct. 5</td>
</tr>
<tr>
<td><a href="mailto:cdahse@ci.willis.tx.us">cdahse@ci.willis.tx.us</a></td>
<td><a href="mailto:evelyn.butler@mctx.org">evelyn.butler@mctx.org</a></td>
</tr>
<tr>
<td>City of Magnolia Municipal Court</td>
<td>County Court at Law # 1</td>
</tr>
<tr>
<td><a href="mailto:gsuarez@cityofmagnolia.com">gsuarez@cityofmagnolia.com</a></td>
<td><a href="mailto:Jessica.Lamas@mctx.org">Jessica.Lamas@mctx.org</a></td>
</tr>
<tr>
<td>City of Patton Village Municipal Court</td>
<td>County Court at Law # 2</td>
</tr>
<tr>
<td><a href="mailto:d.norton@pattonvillage.us">d.norton@pattonvillage.us</a></td>
<td><a href="mailto:sandra.ledbetter@mctx.org">sandra.ledbetter@mctx.org</a></td>
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<tr>
<td>City of Montgomery Municipal Court</td>
<td>County Court at Law # 3</td>
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<tr>
<td><a href="mailto:court@ci.montgomery.tx.us">court@ci.montgomery.tx.us</a></td>
<td><a href="mailto:debbie.womack@mctx.org">debbie.womack@mctx.org</a></td>
</tr>
<tr>
<td>City of Splendora Municipal Court</td>
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<td><a href="mailto:ewalker@cityofsplendora.org">ewalker@cityofsplendora.org</a></td>
<td><a href="mailto:carla.coaliron@mctx.org">carla.coaliron@mctx.org</a></td>
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<tr>
<td>City of Roman Forest Municipal Court</td>
<td>County Court at Law # 5</td>
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<td><a href="mailto:Court.clerk@rftx.org">Court.clerk@rftx.org</a></td>
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<td><a href="mailto:julissa.valadez@mctx.org">julissa.valadez@mctx.org</a></td>
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</tr>
<tr>
<td></td>
<td><a href="mailto:stephanie.lewis@mctx.org">stephanie.lewis@mctx.org</a></td>
</tr>
</tbody>
</table>
MONTGOMERY COUNTY BAIL BOND BOARD
LOCAL RULES

EXHIBIT C

221st District Court
tonnie.whitney@mctx.org

284th District Court
amber.park@mctx.org
tracy.skinner@mctx.org

359th District Court
Josie.lrachetac@mctx.org
Dayna.Hasek@mctx.org

410th District Court
leslie.broz@mctx.org

418th District Court
kim.perry@mctx.org

435th District Court
katrina.blunk@mctx.org

457th District Court
pj.miller@mctx.org

Drug Court Care Program
Drug.court@mctx.org

OCA Director
Court.administration@mctx.org

Sheriff’s Office – Central Jail Records
mcsocjr@mctx.org
Attachment "D"

MCBBB - AUDIT OF BAIL BOND COMPANY RECORDS
Pursuant to Texas Occupation Code 1704.202 and 1704.305

Bail Bond Company Name: ____________________________ Audit/Visit Date: ___________

File Pulled: ____________________________

Conducted by: ____________________________

Company Representative: ____________________________

Yes No Record Requirements: 1704.202(a)
☐ ☐ (1) A record of each bond executed by the license holder in Montgomery County

Yes No Record Requirements: 1704.202(b)
☐ ☐ (1) Style and number of the case and the court in which the bond is executed
Example – State of Texas versus John Doe Cause # 123456- (If no cause # available utilize SO#)
☐ ☐ Cause# Present If No; Is the SO# Present or Unfiled Denoted _____________
☐ ☐ (2) Name of the defendant (principal) released on the bond
☐ ☐ (3) Amount of the bail set in the case
☐ ☐ (4) The amount and type of security held by the license holder
Cash ____________________ Collateral ____________________
☐ ☐ (5) A Statement of: (A) whether the security held by the license holder
    (i) is for the payment of the fee; or
    (ii) To assure the principal’s (defendant) appearance in court, and
☐ ☐ (B) The conditions under which the security (Collateral) will be returned

Bail Bond Receipts and Inspection: 1704.305
☐ ☐ (a) (c) Duplicate receipt
☐ ☐ (b) (1) Name of the person who pays the money or transfers the consideration or thing of value
☐ ☐ (b) (2) Amount of money paid (cash) or estimated amount of value transferred (Collateral)
☐ ☐ If Collateral (b) (3) the person transfers consideration or thing of value, a brief description must be stated
☐ ☐ (4) Style and number of the case and the court in which the bond is executed
Example – State of Texas versus John Doe Cause # 123456- (If no cause # available utilize SO#)
☐ ☐ Cause# Present If No; Is the SO# Present or Unfiled Denoted ______________
☐ ☐ (5) Name of the person receiving the money, consideration, or thing of value
Contracts - MCBBB Bail Bond Rules and Regulations – 6.1 Writing Bonds
(a) Within 3 days of the principal’s release on bond, a contact shall be executed between the
surety and the principal and a copy given to the principal immediately after signing

☐ ☐ ☐ (a) Is a copy of contract in the file
☐ ☐ ☐ (b) (1) The amount of the bond fee. If the contract is for more than one bond, then the fee for each bond shall be set
out separately with a total fee listed
☐ ☐ ☐ (b) (2) The amount of any late fees or penalties and the condition under which they will be imposed
☐ ☐ ☐ (b) (3) Finance Charges
☐ ☐ ☐ (b) (4) Payment Schedule, which include down payment collected,
☐ ☐ ☐ What often payment is due, how much the payment is?
☐ ☐ ☐ (b) (5) the amount and type of property taken for payment of the bail bond fee. (Cash or Transfer of physical property)
☐ ☐ ☐ (If collateral) (b) (6) The amount and type of property held by the bail bond surety for assurance the principal’s
appearance in court and the conditions under which the property will be returned

MCBBB Bail Bond Rules and Regulations – 7.2 Receipt for collateral
A license holder shall have a receipt signed by the surety and the principals or principal’s agent
stating the following;

☐ ☐ ☐ (a) The name of the person for whom the bond is posted
☐ ☐ ☐ (b) The county and case number the collateral covers
☐ ☐ ☐ (c) Whether collateral is being held for appearance and/or payment of fee; the amount of any late fees or penalties
and the condition under which they will be imposed
☐ ☐ ☐ (d) When the collateral will be returned
☐ ☐ ☐ (e) A list (Description) of the collateral and value
☐ ☐ ☐ (f) How request may be made for return of collateral

MCBBBBail Bond Rules and Regulations

☐ ☐ ☐ Verification of each employee listed as an employee or employees on premises at time of audit.

Signature of Bail Bond Board Representative performing the audit

Signature of the Bonding Company Representative

Recommendation of Audit Committee
Montgomery County Bail Bond Board
501 N. Thompson, Ste. 201
Conroe, Texas 77304

Consider at the ________________ Bail Bond Board Hearing

The Audit Committee has completed an audit in accordance with Texas Occ. Code Ann. 1704.202 and 1704.305, is presenting their findings as attached:

The Board having reviewed and accepted the audit as a matter of record, and furthermore the BOARD has moved that

______________________________ Bail Bond Company has been found

IN COMPLIANCE  □  NOT IN COMPLIANCE  □

Comments:

________________________________________

Bail Bond Board Administrator

Attest:

________________________________________

Audit Committee Member
OCCUPATIONS CODE

Sec. 1704.202. RECORD REQUIREMENTS.

(a) A license holder shall maintain:
   (1) a record of each bail bond executed by the license holder; and
   (2) a separate set of records for each county in which the license holder is licensed.

(b) The records required to be maintained under this section must include for each bail bond
    executed and enforced:
    (1) the style and number of the case and the court in which the bond is executed;
    (2) the name of the defendant released on bond;
    (3) the amount of bail set in the case;
    (4) the amount and type of security held by the license holder; and
    (5) a statement of:
       (A) whether the security held by the license holder is:
           (i) for the payment of a bail bond fee; or
           (ii) to assure the principal's appearance in court; and
       (B) the conditions under which the security will be returned.

(c) Repealed by Acts 2003, 78th Leg., ch. 942, Sec. 28.

(d) The records required under this section shall be:
    (1) made available for inspection and copying at the board's expense on demand by the
        board or an authorized representative of the board;
    (2) maintained at the license holder's office location in the county; and
    (3) maintained for not less than four years after the conclusion of the case for which
        the bond was given.

OCCUPATIONS CODE

Sec. 1704.305. BAIL BOND RECEIPT AND INSPECTION; OFFENSE.

(a) A bail bond surety or an agent of a bail bond surety may not receive money or other consideration or thing of value from a person for whom the bail bond surety executes a bond unless the bail bond surety or agent issues a receipt to the person as provided by Subsection (b).

(b) The receipt must state:
   (1) the name of the person who pays the money or transfers the consideration or thing of value;
   (2) the amount of money paid or the estimated amount of value transferred;
   (3) if the person transfers consideration or a thing of value, a brief description of the consideration or thing of value;
   (4) the style and number of the case and the court in which the bond is executed; and
   (5) the name of the person receiving the money, consideration, or thing of value.

(c) A bail bond surety or an agent of a bail bond surety shall retain a duplicate copy of a receipt issued under Subsection (a). The copy of the receipt shall be made available for inspection by:
   (1) a representative of the board in any county in which the bail bond surety is licensed; and
   (2) an appointed representative of a court in which the bail bond surety agrees to execute bail bonds.

(e) A person commits an offense if the person violates this section. An offense under this section is a Class B misdemeanor.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.