

# **TRAVIS COUNTY BAIL BOND BOARD**

## **RULES AND REGULATIONS**

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**TRAVIS COUNTY BAIL BOND BOARD**  
**RULES AND REGULATIONS**

Pursuant to the provisions of Chapter 1704, Texas Occupations Code (hereafter, the “Code”), as amended, the following rules and regulations are adopted to govern the taking of bail bonds in Travis County, Texas.

**A.**

**ORGANIZATION OF THE BOARD**

1.

This board shall be known as the "Travis County Bail Bond Board" (hereafter, the “Board”).

2.

The Board shall meet at least once a month, and at other times at the call of the presiding officer. Notice shall be given pursuant to the Texas Open Meetings Act.

3.

Regular meetings of the Board shall be held in the Commissioners Courtroom – Executive Session Room of the Travis County Administrative Building, located at 700 Lavaca, Austin, Texas, at 12:30 p.m. on the first Wednesday of each month, unless a different location and time are specified in the call. Special meetings shall be held at the location and time specified in the call.

4.

All notices shall be posted on the bulletin board on the first floor of the Travis County Courthouse, 1000 Guadalupe, Austin, Texas.

5.

The Board shall employ a secretary, whose office shall be located in the offices of Travis County Pretrial Services. The secretary shall be responsible for supervising the receipt of applications; the preparation of agendas; the preparation and certification of records and transcripts of proceedings; the maintenance of records and minutes of meetings; the publication or posting of notices; and general matters not otherwise specifically assigned by these rules and regulations.

6.

The Board shall be composed of the following persons:

- (a) the Sheriff of Travis County or a designee from the Sheriff's office who must be the Sheriff's administrator or a deputy sheriff of the rank of at least sergeant;
- (b) a District Judge of Travis County having jurisdiction over criminal matters and designated by the presiding judge of the administrative judicial district;
- (c) the Travis County Judge, or a member of the Commissioners Court designated by the County Judge;
- (d) a Travis County Court at Law Judge having jurisdiction over criminal matters and designated by the Commissioners Court;
- (e) the Travis County District Attorney or an assistant district attorney designated by the District Attorney;
- (f) a licensed bail bond surety or agent for a corporate surety in the county elected under Section 1704.0535, or a bail bond surety or agent for a corporate surety licensed in the

county who is designated by the elected surety or agent;

(g) a Travis County Justice of the Peace;

(h) the Travis County District Clerk or the Clerk's designee;

(i) the Travis County Clerk or the Clerk's designee;

(j) the presiding judge of the municipal court system of the principal municipality in the county, or a municipal judge from the system designated by the presiding judge;

(k) the Travis County Treasurer or the Treasurer's designee; and

(l) a criminal defense attorney practicing in the county and elected by other attorneys whose principal places of business are located in the county and who are not legally prohibited from representing criminal defendants, or the designee of the elected criminal defense attorney.

7.

(a) Annually, the Board shall choose one of its members to serve as chairman until the next such annual election, unless s/he is sooner disqualified.

(b) In like manner, the Board shall choose a first vice-chairman who shall act in the temporary absence of the chairman. In the event the chairman is disqualified for any reason before the end of his/her term, the first vice-chairman shall automatically become the chairman.

(c) In like manner, the board shall choose a second vice-chairman who shall act as chairman in the temporary absence of both the chairman and the first vice-chairman. In the event the chairman is disqualified for any reason before the end of his/her term, and the vice-chairman automatically becomes chairman, or in the event the first vice-chairman is disqualified before the end of his/her term, the second vice-chairman shall automatically become the first vice-chairman. In either such event, or if the second vice-chairman becomes disqualified, at the next regular meeting a new second vice-chairman shall be chosen.

- (d) The County Attorney of Travis County shall be general counsel for the Board.
- (e) Four members of the board shall constitute a quorum.
- (f) All action by the Board shall require the vote of a majority of the members present.

8.

(a) The Board shall annually conduct a secret ballot election to elect the member of the Board who serves as the representative of licensed bail bond sureties by electing a licensed bail bond surety or agent for a corporate surety board member. 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 licensed held. To vote, a licensed bail bond surety shall appear in person at the annual December meeting of the Bail Bond Board. To cast an absentee ballot, a licensed bail bond surety may send an electronic email to the Board's secretary during the two week period preceding the election. A plurality vote is required. In the event of a tie, the top two votes will have a runoff election at the next scheduled meeting. The term of office continues until a successor takes place.

(b) The Board shall annually conduct a secret ballot election to elect the member of the Board who serves as the representative of the criminal defense attorneys who practice in the county. 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 the criminal defense attorney representative.

Any attorney who practices criminal law in Travis County may apply for a place on the ballot by filing an application for a place on the ballot with the Board's secretary no later than one week before the election is to occur. Application shall be made on the prescribed form, which shall be available on the Bail Bond Board's website. Information concerning the

application process will be distributed through the Austin Bar Association, the Austin Criminal Defense Lawyers Association, the Capitol Area Private Defender Service, and by posting a notice on the Bail Bond Board's website.

The Board will conduct the election during a meeting of the Austin Criminal Defense Lawyers Association. Information regarding time, date, and place of the meeting at which the election will be conducted shall be distributed through the Austin Bar Association, the Austin Criminal Defense Lawyers Association, the Capitol Area Private Defender Service, and by posting a notice on the Bail Bond Board's website. Ballots will be distributed and collected by the Board's secretary, who will maintain them in a sealed envelope in a secure place until the next meeting of the Bail Bond Board. At the first meeting of the Bail Bond Board following the election, the secretary shall tabulate the votes and announce the results to the Board.

9.

All proceedings not governed by specific statutory provisions or rules of this Board shall be conducted in accordance with Roberts Rules of Order, and the presiding officer of the Board shall be ex officio Parliamentarian.

**B.**

**BOARD POWERS AND DUTIES**

1.

Administrative

The Board shall:

(a) deposit fees collected pursuant to Chapter 1704 of the Texas Occupations Code in the general fund of Travis County;

- (b) supervise and regulate each phase of the bonding business in Travis County;
- (c) conduct hearings and investigations and make determinations relating to the issuance, denial, or renewal of licenses in Travis County;
- (d) issue licenses to qualified applicants and deny licenses to unqualified applicants;
- (e) conduct board business, including maintaining records and minutes.

2.

### Enforcement

- (a) The Board shall:
  - (1) enforce Chapter 1704 of the Texas Occupations Code in Travis County;
  - (2) conduct hearings and investigations and make determinations relating to license suspension and revocation;
  - (3) suspend or revoke a license for a violation of Chapter 1704 of the Texas Occupations Code or a rule adopted by the Board pursuant to Chapter 1704; and
  - (4) require a record and transcription of each Board proceeding.
- (b) The Board may:
  - (1) compel the appearance before the Board of an applicant or license holder;and
  - (2) during a hearing conducted by the Board, administer oaths, examine witnesses, and compel the production of pertinent records and testimony by a license holder or applicant.

3.

The Board shall post a rule adopted or an action taken by the Board on the bulletin board on the first floor of the Travis County Courthouse, 1000 Guadalupe, Austin, Texas, for the 10

days preceding the date the rule or action takes effect.

4.

The Board shall publish a list of Travis County bail bond licensees, showing the name and license number of each licensee, the agent of each corporate licensee, the business name, business address, and business telephone number of each licensee or agent of a corporate licensee, and the expiration date of each license. The list shall be rotated every three months, so that each licensee appears at the top of the list for three months, then is rotated to the bottom of the list. New licensees shall be added at the bottom of the list. The Board shall publish a new list every three months, or at any time there is a change to the list. The Board shall cause the list to be posted in each court having criminal jurisdiction in Travis County, and shall provide the list to the Travis County Sheriff for posting in each location where prisoners are examined, processed, or confined.

5.

A list of each licensed bail bond surety and each licensed agent of a corporate surety in a county must be displayed at each location where prisoners are examined, processed, or confined. No sheriff, peace officer, or his deputy or employee, or clerk or deputy clerk of any court will permit any identifying or emphasizing mark to be made on such published list. If the published list be so marked, it shall be the responsibility of said peace officer or clerk to obtain a new unmarked list for display. No unlicensed person (even though exempt from licensing) may be placed on the list.

6.

The Board shall immediately notify each court with criminal jurisdiction and the Sheriff of Travis County of:

- (a) the suspension or revocation of a license issued under this chapter; and
- (b) the revocation of the authority of a license holder's agent.

7.

The Board shall promptly notify the Texas Department of Insurance if a corporation fails to pay a judgment of forfeiture as provided by Section 1704.204(a).

8.

Annually at its December meeting, and concurrently with its election of new officers, the Board shall choose three of its members to serve as members of the Site Visit Subcommittee. The Site Visit Subcommittee is responsible for visiting each bail bond surety licensed in Travis County once each calendar year to review the surety's compliance with record-keeping requirements and other requirements of the statutes and rules governing bail bond sureties. In addition, the Site Visit Subcommittee shall visit each newly licensed bail bond surety within ninety (90) days of licensure in Travis County. At each site visit, the Site Visit Subcommittee shall complete the checklist approved by the Board. The Subcommittee shall notify the Bail Bond Board secretary of its schedule for visits, and the secretary shall ensure that an appropriate item is placed on the agenda following each site visit so the subcommittee may make its report to the Board and the Board may take appropriate action.

C.

**LICENSING REQUIREMENTS**

1.

A person may not act as a bail bond surety or an agent for a corporate surety in Travis County unless the person holds a bail bond license issued by the Board pursuant to Chapter 1704 of the Code and these Rules and Regulations, or unless the person is an attorney licensed to

practice law in this state who represents the defendant in the criminal case for which the bond was given.

2.

An individual or corporation seeking a bail bond license shall file a sworn application for licensure, accompanied by a \$500 application fee. An application for an individual or a corporate bail bond license shall be on the forms adopted by this board and set forth as Appendices A and B, respectively, to these rules and regulations. Each application shall be submitted in the name of the individual or corporation seeking the license. Completed applications shall be submitted to the Board's secretary at the office of the Board, and may be submitted as an original with fifteen copies, or as an original with one copy in electronic format. The applicant shall redact all social security numbers and driver's license numbers from all copies.

3.

Where an enclosure or an appendix is required in connection with an application, it shall be firmly affixed to the application and included within the oath as if set forth in the body of the application.

4.

Where an applicant proposes to do business under an assumed name, proof shall be submitted showing registration of such assumed name with the County Clerk of Travis County.

5.

An application must be accompanied by three letters of recommendation, each from a person who is reputable and has known the applicant, or if the applicant is a corporation, the agent designated by the corporation in the application, for at least three years. The letters must sufficiently identify the person who is writing the recommendation, and they must be dated within 30 days of the date the application is submitted. The letters must state that the applicant (or corporate agent, as applicable) has a reputation for honesty, truthfulness, fair dealing, and competency, and they must recommend that the Board issue the license.

6.

The Board shall cause an investigation to be made of each applicant and persons working with or for the applicant as has been established by these rules or by resolution of the Board or as is required by law.

(a) The applicant shall be notified of any deficiencies in the application and given the opportunity to correct the deficiencies.

(b) Upon completion of such investigation, the secretary shall furnish a copy of all relevant reports and a copy of the application to each member of the Board prior to the meeting at which the application is to be considered.

(c) The application shall be considered at the first regular meeting of the Board after the investigation has been completed.

(d) All applicants shall fully cooperate with the Board in the investigation of their qualifications and shall furnish such records and other information as shall be deemed by the Board to be necessary to complete the investigation.

7.

Each applicant shall be notified by the secretary to appear in person, or in the case of a corporation, by designated representative and designated agent, before the board on the date his/her application is to be considered for such interrogation under oath as the board or any of its members shall deem proper.

8.

Discussion of applications and applicants shall be in open session.

9.

The board shall vote on each application separately.

10.

(a) A completed application for renewal of an existing license, along with all required attachments, must be on file with the Board no later than 31 days prior to the expiration of the license. The renewal application may be filed up to 90 days prior to the expiration of the license, and all information provided should be current as of 90 days prior to submission of the application. A renewal application shall be on the form provided by the Board, and shall be accompanied by a renewal fee of \$500.

(b) A license may be renewed for a period of 24 months from the date of expiration and may be renewed subsequently each 24 months in like manner, except that if a renewal applicant has held the license the applicant is seeking to renew for at least eight consecutive years without having been suspended or revoked, the board may renew the license for a period of 36 months from the date of expiration if the board: (1) knows of no legal reason why the license should not be renewed; and (2) determines that the applicant has submitted an annual financial report to the board before the anniversary date of the issuance of the applicant's license. A

license renewed for 36 months may be renewed subsequently each 36 months in a similar manner.

(c) Any actions required by a conditional renewal of a license must be completed no later than the expiration date of the original license.

11.

(a) Trust deeds executed under Sec. 1704.160(a)(1)(B) of the Code shall be recorded by the Travis County Clerk in the deed records of Travis County.

(b) Upon the written demand of a licensee whose real property the Board holds in trust, who discontinues the posting of bail (either voluntarily or otherwise), and who qualifies under Section 1704.210 of the Code for a return of his/her security, the presiding officer of the Bail Bond Board shall execute a release in proper form and provide the release to the licensee to be recorded in the deed records.

12.

(a) No person shall be licensed unless the Board determines that he or she possesses a reputation for honesty, truthfulness, competency and fair-dealing.

(b) No person shall be licensed who has been found by a court to be bankrupt or insolvent.

(c) No person shall be licensed who shall have been finally convicted after August 27, 1973, of a felony or a misdemeanor involving moral turpitude in any jurisdiction, unless the person was subsequently pardoned.

(d) No person shall be licensed who has in his or her employ a person who within the preceding ten years has been finally convicted of a felony offense or a misdemeanor involving moral turpitude in any jurisdiction, unless the employee was subsequently pardoned.

(e) No person shall be licensed unless the individual is a resident of this State and a citizen of the United States.

(f) No person shall be licensed unless the individual is at least 18 years of age.

(g) No person shall be licensed unless the individual possesses sufficient financial resources to meet the security requirements of Section 1704.160 of the Code, unless the person is acting only as an agent for a corporation holding a bail bond license.

(h) No person shall be licensed unless the person deposits security in the form of a cashier's check or certificate of deposit with the Travis County Treasurer, or executes a deed to real property in trust to the Board, with a value that is sufficient to meet the security requirements of the Code. A license holder must maintain the required amount of security during the time he/she holds the license.

(i) No corporation shall be licensed unless:

(1) it is chartered or admitted to do business in this state, and

(2) it is qualified to write fidelity, guaranty, and surety bonds under the Texas

Insurance Code.

(j) No person shall be licensed unless the person has, in the two years preceding the date a license application is filed, at least one year of continuous work experience in the bail bond business.

(k) No person shall be licensed unless the person has, in the two years preceding the date a license application is filed, completed at least eight hours of continuing legal education in

continuing legal education in criminal law courses or bail bond law courses that are approved by the State Bar of Texas and offered by an accredited institution of higher education in the State.

(l) No applicant shall be licensed if the applicant has an unpaid final judgment that has been unpaid for more than 30 days, and that arose directly or indirectly from a bond executed by the applicant as a surety or as an agent for a corporate surety, unless the applicant has deposited with the court cash or a supersedeas bond in the amount of the final judgment pending a ruling on a timely filed motion for new trial or an appeal of the judgment.

13.

A certificate of deposit that is deposited with the Travis County Treasurer as security for the bonding business of a licensee shall be titled as follows:

(a) For an individual licensee, “Travis County for the benefit of Individual Licensee Name dba Company Name.”

(b) For a corporate licensee, “Travis County for the benefit of Insurance Company Licensee Name for its agent, Agent Name dba Agent’s Company Name,” or “Travis County for the benefit of Insurance Company Licensee Name (for its agent, Agent Name dba Agent’s Company Name.)”

14.

(a) Licensees may place additional real property as collateral to their accounts, upon approval and acceptance by the Board at a regularly scheduled monthly meeting of the Board.

(b) Requests for withdrawal or exchange of collateral will be considered by the Board upon request by the licensee. Such requests, and any related paperwork, must be received by the Board’s secretary at least twenty-one (21) days prior to when the matter will be considered by

the Board. Withdrawals or exchanges are limited to no more than four (4) per fiscal year per licensee.

**D.**

**BONDING BUSINESS**

1.

The sheriff shall accept or approve a bail bond executed by a person who holds a bail bond license in Travis County if the bond is written for a felony or misdemeanor case, the bond is executed in accordance with the Code and these rules, and a bond is required as a condition of release for the defendant for whom the bond is executed.

2.

All licensees shall maintain records of every bond executed by the licensee. Such records shall include the following information:

- (a) the style and number of the case and the court in which in which the bond is executed;
- (b) the name of defendant released on bond;
- (c) the amount of bail set in the case;
- (d) the amount and type of security held by the license holder; and
- (e) a statement of whether the security held by the license holder is for the payment of a bail bond fee or to assure the defendant's appearance in court, and the conditions under which the security will be returned.

3.

A list of all the licensee's outstanding active bonds and bond forfeitures shall be submitted to the Board for inspection prior to each renewal of the bondsman's license.

4.

The records shall be maintained at the license holder's office location in Travis County, and shall be made available for inspection and/or copying by the Board or its authorized representative.

5.

(a) All licensees shall file a monthly accounting of the bonds they have written in the month and the bonds they held that were resolved in the month. The reports shall be sworn, and shall be filed with the secretary of the Board no later than the 15<sup>th</sup> day of the month following the month to which they pertain. The reports shall be submitted on the form adopted by the Board, which is attached hereto as Appendix C.

(b) If the secretary does not receive a licensee's monthly report by the 15<sup>th</sup> day of the month following the month to which it pertains, the secretary shall place an item on the agenda at the Board's next meeting to discuss suspension or revocation of the licensee's license, and shall send notice of a hearing on the matter to the licensee as required by the Code.

(c) The secretary shall review the monthly reports as they are submitted to determine whether a report reflects on its face that a licensee has exceeded the statutory bond writing limits of the security posted by the licensee. If a report reflects that such limit has been exceeded, the secretary shall immediately notify the Sheriff or his or her designee, and the surety who shall immediately be suspended from posting bonds in accordance with section F(4) of these Rules. A surety who has been suspended from posting bonds pursuant to this provision may have his or her privilege to write bonds reinstated by filing proof of compliance with his or her posting limits

with the secretary of the Board. If satisfactory proof is presented to the secretary, the secretary shall notify the Sheriff or his or her designee of the reinstatement of the surety's privilege to post bonds. Any action taken by the secretary pursuant to this rule shall be placed on the agenda for ratification by the Board at its next regular meeting.

(d) Monthly reports submitted by companies subject to statutory limits on the dollar amount of bonds written shall be reviewed once per quarter to ensure that the reports are accurate and correctly reflect that such companies have not exceeded the statutory limits. The board secretary shall provide copies of monthly reports to the Treasurer on the schedule and in the format requested by the Treasurer. The County and District Clerks shall pull information from the county FACTS system and provide spreadsheets to the Treasurer reflecting activity by the bond company under review, so the Treasurer can evaluate the accuracy of the monthly reports and ensure that the company has not exceeded statutory limits. If the Treasurer determines that such limit has been exceeded, the Treasurer shall notify the board secretary, who shall immediately notify the Sheriff or his or her designee, and the surety who shall immediately be suspended from posting bonds in accordance with section F(4) of these Rules. A surety who has been suspended from posting bonds pursuant to this provision may request that his or her privilege to write bonds be reinstated by filing proof of compliance with his or her posting limits with the secretary of the Board. The secretary shall forward any such information to the Treasurer for review. If the Treasurer determines that the information presented constitutes satisfactory proof of compliance, the Treasurer shall notify the secretary, and the secretary shall notify the Sheriff or his or her designee of the reinstatement of the surety's privilege to post bonds. Any action taken by the Treasurer and/or the secretary pursuant to this rule shall be placed on the agenda for ratification by the Board at its next regular meeting.

6.

Appendix D, attached hereto, outlines procedures that may be followed by a surety who wishes to limit his or her liability by arranging for extradition of a defendant who has forfeited a bond.

7.

All licensees are required to update any and all information provided in the licensee's Application to Write Bail Bonds in Travis County, Texas, in writing to the Bail Bond Board Secretary within seven (7) working days of the date the information changes. Information required to be updated includes, but is not limited to, a change of address, telephone number, fax number, email address, or website address, the names of new employees working for the bonding agent, and the name and address of a corporate licensee's new registered agent for service. A licensee must submit a DPS criminal history for each new employee to the Board's secretary. A new employee is not permitted to work in any aspect of the bonding business until the criminal history is reviewed by the Board's counsel to ensure that the requirements of the Texas Occupations Code and the Travis County Bail Bond Board's Rules and Regulations are met.

8.

A licensee shall maintain a separate set of records for each bonding company the licensee operates.

9.

(a) A licensee shall operate his/her bonding business in a non-residential business location.

(b) This rule shall apply to any applicant for a new license, and to any licensee who applies to renew his/her license.

10.

A bail bond surety, an agent of a corporate surety, or an employee of the surety or agent may not make, cause to be made, or benefit from unsolicited contact in person or by telephone to solicit bonding business that occurs between the hours of 9 p.m. and 9 a.m.

**E.**

**TAKING OF BAIL**

1.

Bail posted in Travis County shall be posted only on the applicable forms attached as Appendix E to these rules and regulations.

2.

(a) All licensed bondsmen and agents for corporations licensed under these provisions will be issued an identification certificate from the Bail Bond Board. This identification certificate must be presented each time a bond is made.

(b) The above-mentioned identification certificate shall be issued to licensed bondsmen or to designated agents for corporations licensed under these provisions upon original issuance or renewal of a license.

(c) Attorneys posting surety bonds must present their bar cards each time a bond is made.

(d) If a bail bond surety uses a runner for bonding activity, the surety must submit the name of the runner to the Travis County Sheriff's Office for approval before the runner may

perform any activity on behalf of the surety. The Sheriff's Office may require identifying information sufficient to perform a background check on the proposed runner prior to allowing the runner perform such activity. No person who is not approved by the Sheriff's Office may perform such activity.

3.

A person posting bail under legal exemption from the license requirements of this act shall execute, under oath, an affidavit that he/she is worth, in his/her own right, and has property in this State subject to execution worth, after deducting property exempt from forced sale by the Constitution and laws of this State, and after payment of all his or her debts of every description, and after satisfying any encumbrance on his or her property, an amount that is at least twice the amount of the bond he/she is executing.

4.

As to bail bonds for prisoners in the Travis County Jail, or for persons who are to be delivered to the Sheriff of Travis County, such bail bonds shall not be effective until approved by the Sheriff of Travis County or one of his/her deputies.

5.

No agent of a corporate licensee will be permitted to sign as surety any bail bond unless the agent is listed as such in the application for a license submitted by the licensee.

6.

Each corporate licensee who permits its designated agent to sign as surety on bail bonds must have a power of attorney designating the agent of the corporation authorized to execute bail bonds on behalf of the corporation on file with the Travis County Clerk before the agent will be

permitted to sign as surety on any bail bonds. A copy of such power of attorney shall be filed with the secretary of the Board. A corporation may limit the authority of a designated agent by specifying the limitation in the power of attorney that is filed with the County Clerk and the Board. No power of attorney may be revoked except by a written revocation filed with the Travis County Clerk. A copy of any such revocation must also be filed immediately with the secretary of the Board.

7.

All licensees and agents of corporate licensees are required to have on file in the Sheriff's office a signature card before they will be permitted to sign any bail bond as a surety. The Travis County Sheriff's Office shall maintain a list of approved runners for bail bond sureties, and no person may perform bonding activity on behalf of the surety unless his/her name appears on such list.

8.

All bail bonds made in Travis County shall be made in the Sheriff's office in the Travis County Criminal Justice Center, or at the Travis County Correctional Complex at Del Valle.

9.

Except as permitted by Section 1704.163 of the Code, no unlicensed person may sign as a co-surety on a bail bond, and the Sheriff of Travis County shall not accept any bail bond upon which appears the signature of a an unlicensed person who is not exempt from licensure under Section 1704.163, and who is purporting to be bound as a co-surety.

10.

An attorney surety who posts a bond must certify that he/she represents the defendant for whom the bond is posted in the criminal case for which the bond was given.

11.

A license holder shall maintain an office in the county in which the license holder holds a license. Not later than the seventh day after the date a license holder opens a new office or moves an office to a new location, the license holder shall notify the secretary of the Board of the location of the office.

F.

**PROHIBITED CONDUCT AND PENALTIES**

1.

No bail bond surety shall solicit bonding business in a police station, jail, prison, detention facility, or other place of detainment for persons in the custody of law enforcement, nor in a location visible from a place of detainment for persons in the custody of law enforcement. The dissemination of personal or professional cards shall be deemed solicitation of bonding business, with the exception of dissemination of a single card to an individual who has requested it.

2.

(a) Advertisements on behalf of a bail bond surety in print, broadcast, or internet media shall contain enough information to identify the surety, including, but not limited to the following information:

(1) For an individual licensee, the proper name of the licensee, the license number, and the counties in which he or she is licensed;

(2) For a corporate licensee, the proper name of the corporation's agent for writing bonds, the corporation's license number relating to that agent, and the county in which the license was issued for that agent; and

(3) For an attorney surety, the proper name of the attorney.

(b) Such advertisements may contain additional information that is not misleading, including, as permitted by law or other applicable regulation, an assumed name that has been properly registered with the Travis County Clerk's Office.

(c) Attorney sureties must comply with all applicable statutes and the rules of the State Bar of Texas regarding attorney advertising.

(d) If an attorney has any listing and/or advertisement in any medium, including but not limited to any telephone directory, the internet, billboard, or newspaper, that relates to bail bond sureties, such advertisement must clearly indicate that the attorney is writing bonds as an attorney surety, and that the attorney may only write bonds for persons he or she represents in the criminal case for which the bond is given.

(e) Advertisements may not misrepresent the authority of a surety.

### 3.

After two instances of a bail bond surety or a bail bond surety's agent utilizing a check for which there are insufficient funds to pay a debt to Travis County arising from bail bond business, the Bail Bond Board may require the bail bond surety or bail bond surety's agent to pay all future debts to the County arising out of such business by cashier's check or money order.

### 4.

If a surety's monthly report to the Board reflects bonding activity in excess of the

statutory limits of the security posted by the surety, the surety is automatically suspended from further bail bond activity. The surety's privilege to post bonds may be reinstated upon presentation of proof of compliance with his or her posting limits to the secretary of the Board. See Section D(5)(c) and (d) of these Rules.

5.

Complaints against bail bond licensees shall be lodged on the Bail Bond Complaint form marked as Appendix F to these rules. All such complaints shall be notarized.

6.

Annually at its December meeting, and concurrently with its election of new officers, the Board shall choose three of its members to serve as members of the Complaints Subcommittee. The Complaints Subcommittee is responsible for reviewing all complaints and for making determinations of whether the Board has authority to address allegations contained in such complaints. The Complaints Subcommittee shall make its determination within thirty (30) days of receiving a complaint. The Complaints Subcommittee shall present a summary of both the complaint and the board's authority to address the complaint to the Board at the next scheduled meeting of the Board, and shall place the matter on the agenda of that meeting, subject to action by the Board.

7.

If the Board finds that an attorney has engaged in conduct that violated the Occupations Code or the Rules and Regulations of the Travis County Bail Bond Board, the Board shall forward to the State Bar of Texas all documentation relating to such matter, including a copy of the sworn complaint made to the Board, if any, and a copy of the Board's action taken. A copy of the Board's letter and any attachments shall be delivered to the subject attorney.

## **APPENDIX A**

## **APPENDIX B**

## **APPENDIX C**

## **APPENDIX D**

## **APPENDIX E**

## **APPENDIX F**