



WILLIAM M. JENNINGS
CRIMINAL DISTRICT ATTORNEY
GREGG COUNTY

101 East Methvin Street, Suite 333
LONGVIEW, TEXAS 75601
903-236-8440
FAX 903-236-8490

RECEIVED
OCT 24 2002
OPINION COMMITTEE

RQ-0625-jc

October 21, 2002

The Honorable John Cornyn
Attorney General
Office of the Texas Attorney General
P.O. Box 12548
Austin, Texas 78711-2548

FILE # ML-42859-02
I.D. # 42859

Re: Whether Bail Bondsmen who were in the bail bond business *before* the creation of the Bail Bond Board are considered licensed as of the actual date the Bail Bond Board licensed them or the date they began dealing in the bail bond business, when a license was not required, for purposes of TX OCC §1704.203(a).

Dear Mr. Cornyn:

Gregg County Bail Bond Board has only been in creation one year, so Bail Bondsmen in Gregg County have only been licensed for one year regardless of how many years they have been doing business as Bail Bondsmen in Gregg County. The issue is whether these bondsmen's bail bond allotment to security ratios are governed under TX OCC §1704.203(a) or TX OCC §1704.203(f).

TX OCC §1704.203(a) states in part, "...a license holder who holds a license originally issued before September 1, 1999..." TEX. OCC. §1704.203(a) (West 2002).

TX OCC §1704.203(f) states in part, "...A bail bond surety who holds a license originally issued on or after September 1, 1999, ..." TEX. OCC. §1704.203(f) (West 2002).

The question here lies in what "license" should mean in this context. Licensing was not in practice before the Bail Bond Board was created in 2001. No one was licensed in Gregg County to be a Bail Bondsman. Does "license issued" in this context mean the actual date the Bail Bond Board's official declaration that the Bondsman is licensed complete with license number, or should "license issued" mean the date one was authorized before the creation of the Bail Bond Board to do business as Bail Bondsmen?

Determining that a bondsman was not licensed until the date the Bail Bond Board issued a license creates some disturbing results. A bondsman who has been in the business for twenty years is automatically reduced down to an equal as a bondsman who joined the business when the Bail Bond Board took effect. The experienced bondsman receives no benefit for being in good standing with the County for twenty years. The experienced bondsman, who has proven himself, should have some benefit and advantage for his long relationship with the County, including a higher bail bond allotment to security ratio. Should not his bail bond limit be determined by §1704.203(a) because, had Gregg County had a Bail Bond Board, he would have been licensed prior to September 1, 1999?

Considering the other hand, the County does derive some benefit from equalizing all bondsmen and determining the license issue dates are substantially the same. It is true that if the bondsmen want a higher bail bond limit, they must put up more security. More security means less risk. However, we are talking about experienced bondsmen who have had a continued relationship with Gregg County for a number of years. Can Gregg County consider that relationship when determining the bond to security ratio?

The only relevant opinion close to the subject is the determination that the Bail Bond Board discusses the 10 times limit. *See AG opinion - Letter Opinion No. 93-21.* However, this opinion

only holds that a board cannot decrease or increase the amount of security required. The Gregg County Bail Bond Board is not asking whether we may increase or decrease the amount of security required. We are asking whether bondmen who have had a long standing relationship with Gregg County are "grandfathered" in and if they are considered holding a "license originally issued before September 1, 1999" because they would have had such a license if such a license was available.

I respectfully request your opinion on this matter. Thank you in advance for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. Jennings', with a long, sweeping horizontal flourish extending to the right.

William Jennings
Criminal District Attorney
Gregg County, Texas