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OPINION COMMITTEE



RQ-0219-gc

State of Texas
House of Representatives

BILL G. CARTER

DISTRICT 91

Chairman
Tarrant County Delegation

April 3, 2000

1444

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

FILE # ML-41363-50

I.D. # 41363

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OFFICE OF THE ATTORNEY GENERAL
EXECUTIVE ADMINISTRATION

Dear General Cornyn:

To my knowledge, it is currently the practice of a municipal court in at least one city to allow criminal defense attorneys to post bail bonds "on their bar cards". They are not required to show proof of their solvency or to submit a list of non-exempt property subject to execution. Judgments nisi are also not generated on bail bond forfeiture cases where criminal defense attorneys are the sureties. The municipal court in question is located in a county with a bail bond board.

I respectfully request an opinion on the following four issues:

- 1) May a municipal court allow criminal defense attorneys to post bail bonds on cases pending in municipal court on the strength of their bar card alone or are they required to show proof of their solvency in accordance with articles 17.11, 17.13 and 17.14 of the Texas Code of Criminal Procedure and Texas Attorney General Opinions DM-483 and JM-901?
- 2) Is a municipal judge able to waive the entry of a judgment nisi in a case where a criminal defense attorney is the surety on a bail bond and the defendant principal fails to appear or is the judge required to enter a judgment nisi in accordance with article 22.02 of the Texas Code of Criminal Procedure?
- 3) What is the "reasonable time" stated in Article 22.01 of the Code of Criminal Procedure for entry of a judgment nisi?

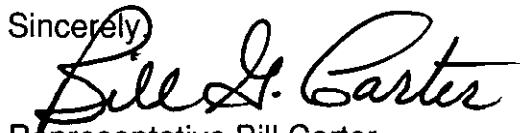
Austin Office:
P.O. Box 2910
Austin, Texas 78768-2910
512-463-0482

District Office:
3525 Denton Hwy., Ste. A
Fort Worth, Texas 76117
817-834-1144

4) Who is responsible for ascertaining the solvency of a surety and rejecting a surety bond in a municipal court case based on insufficient proof of the surety's solvency?

Your attention to this matter is greatly appreciated.

Sincerely,

A handwritten signature in black ink that reads "Bill G. Carter". The signature is written in a cursive style with a large, prominent initial "B".

Representative Bill Carter
Chairman, House Committee on Urban Affairs