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MAY 13 2014

109th Judicial District
Misdemeanor and Felony Prosecution
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OPINION COMMITTEE

May 12, 2014

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OPEN RECORDS DIVISION

Cassandra Cheek
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Office of the Attorney General
Attention Opinions Committee
P.O. Box 12548
Austin, Texas 78711-2548

RE: Request for OAG Opinion

FILE # ML-47572-14
I.D. # 47572

RQ-1200-GA

Dear Committee,

I am writing to ask for an Opinion regarding whether a person disqualified from being a surety on a bail bond in a non-bail bond board county may again be a surety after receiving judicial clemency. If yes, may the Sheriff accept bail bonds with said person as a surety?

Andrews County does not have a bail bond board nor a large enough population to fall under Occupations Code Chapter 1704. However, under 1704.153 INELIGIBILITY BECAUSE OF CRIMINAL CONVICTION, our surety would be disqualified. I believe in our situation the surety would be disqualified under Code of Criminal Procedure 17.10 (c)(1). The surety in question has now received Judicial Clemency under Code of Criminal Procedure 42.12, 20(a).

The question is : A person that was previously disqualified from signing a bail bond as a surety under CCP 17.10 (c)(1) a misdemeanor involving moral turpitude (a 30+ year old theft conviction) has now been granted "judicial clemency" under CCP 42.12 20(a). Is this person now eligible to sign as a surety on a bail bond? May the Sheriff accept a bail bond listing this person as a surety?

Respectfully submitted,

Timothy J. Mason

Andrews County/District Attorney