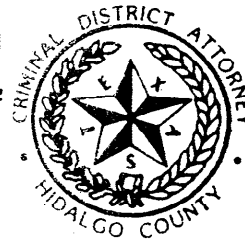


RENE GUERRA

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OCT 11 2001
OPEN RECORDS DIVISION



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OCT 12 2001
OPINION COMMITTEE

October 8, 2001

RQ-0450-9c

FILE # ML 42228-01
I.D. # 42228

Honorable John Cornyn
Missy Cary, Division Chief
Open Records Division
Office of Attorney General of Texas
P. O. Box 12548
Austin, TX 78711-2548

RE: Request for opinion on request under the Texas Open Records Act, Chapter 552, Texas Government Code

Dear Ms. Cary:

This office is requesting an opinion from the Attorney General, on behalf of the Hidalgo County Bail Bond Board, which voted on the request on September 11, 2001, under the Texas Open Records Act. The minutes from that meeting are attached as Exhibit 1.

The Hidalgo County Bail Bond Board is currently considering an Application for a bail bond license filed on May 28, 2001 by Mrs. Irma Davila. (See Exhibit 2).

Mrs. Davila's application was then initially considered by the bail bond board at the regular meeting held on July 10, 2001. Mrs. Davila's license has not been approved yet because the board believed it was missing information, needed additional information regarding the appraisal and because of concerns regarding Mrs. Davila's fitness to serve as a bondsman in Hidalgo County.

During the Bail Bond Board's meeting held on September 11, 2001 a question came up regarding Mrs. Davila's lack of prior experience in the bail bond business. It was noted that effective on September 1, 2001 recent changes to the Texas Bail Bond Statute required prospective licensees to have had prior experience before qualifying to become eligible for a license.

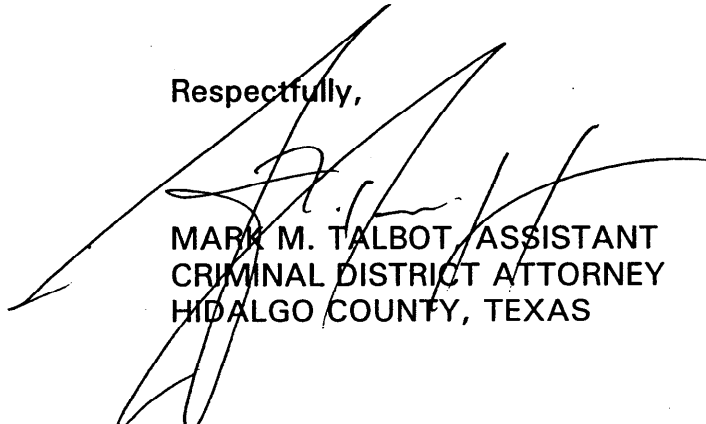
Specifically, the board was concerned with the interpretation of Senate Bill 1119 regarding the regulation of bail bond sureties. Section 3, Subsection (a)(4)(A) requires "at least one year of continuous work experience in the bail bond business."

Further, it also has become apparent in reviewing Mrs. Davila's application and testimony that she would also not qualify because of her failure to comply with Section 3, Subsection (a)(4)(B) which states that an applicant must have "completed at least eight hours of continuing legal education in criminal law courses or bail bond law courses that are approved by the State Bar of Texas and that are offered by an institution of higher education accredited by the state."

Of interest to the Board is your interpretation of these regulatory changes to an application which has been filed before the effective date of the aforementioned changes but which license had yet to be approved. Specifically, are the changes to Section 1704.001, Occupations Code retroactive or only applicable to applications filed after September 1, 2001.

We await your opinion regarding the interpretation of the effective date of the aforementioned statute.

Respectfully,



MARK M. TALBOT, ASSISTANT
CRIMINAL DISTRICT ATTORNEY
HIDALGO COUNTY, TEXAS