

ROY DeFRIEND
District - County Attorney

SUSAN McMILLAN
Victim / Witness Coordinator

K. C. ODOM
Asst. District - County Attorney



RHONDA GONZALES
Asst. Victim / Witness Coordinator

DONALD PHILLIPS
Asst. District - County Attorney

**OFFICE OF THE DISTRICT - COUNTY ATTORNEY
LIMESTONE COUNTY, TEXAS**

CAROLYN CROOK
Hot Check Dept.

WILLIAM C. GROTH
Criminal Investigator

Limestone County Courthouse, 200 West State St., Suite 110, Groesbeck, Texas 76642
Phone: 254-729-3814, 254-729-3046 FAX: 254-729-5699

KRISTINE CAHILL
Administrative Assistant

RECEIVED

JUL 20 2006

OPINION COMMITTEE

July 18, 2006

Mr. Greg Abbott
Attorney General of Texas
Office of the Attorney General
Attn: Opinions Committee
P.O. Box 12548
Austin, TX 78711-2548

Via CMRRR #7003 1680 0007 3768 3883

FILE # ML 44903-06
I.D. # 44903

RQ-0512-GA

Re: Opinion Request

To the Honorable Greg Abbott:

Limestone County, Texas is a bail bond board county. Only persons having a license issued by the Limestone County Bail Bond Board (and attorneys) may make bonds to obtain the release of persons from the Limestone County Jail. See §1704.151, *Occupations Code*. The Sheriff of Limestone County has asked me about the following scenario:

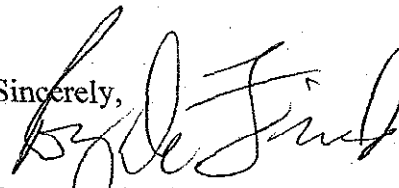
- A person is arrested in another state pursuant to a warrant on a Limestone County charge;
- The bail amount is contained in the warrant, and
- A licensed Limestone County bondsman comes to the Limestone County Sheriff and seeks to make a bond to obtain the release of the person *from the out of state jail*, rather than the person being returned to the Limestone County Jail and bonded. [This would require that the Sheriff be amenable to the release any hold or detainer].

My initial reaction was that this would not be proper; however, I am at a loss to be able to support this opinion with legal authority. We have heard that this is occasionally done in other counties. Of course, one concern that I have is that the bond must contain the principal's signature to be valid. See Sec. 17.08, *Code of Criminal Procedure*. However, assuming that the bondsman had obtained the principal's signature, could the bond be made to procure the release of the principal from the out-of-state jail?

On one hand, since the bond is intended to secure the principal's attendance in court, it could be argued that it makes no difference that the principal would be released from an out-of-state facility. The surety would presumably bear the increased risk of the principal being out of state. On the other, I question the authority of a licensee to make such a bond, as the license is essentially only a license to bond persons out of the Limestone County Jail. I cannot find anything in either Chapter 1704 of the *Occupations Code* or Chapter 17 of the *Code of Criminal Procedure* which addresses this issue.

I would appreciate your guidance on this matter. Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Roy DeFriend". The signature is written in dark ink and is positioned above the typed name.

Roy DeFriend
County and District Attorney
Limestone County, Texas