

City of Houston, Texas, Ordinance No. 2022-\_\_\_\_\_

**AN ORDINANCE ADDING ARTICLE XX, CHAPTER 28 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, ESTABLISHING A MINIMUM BAIL BOND PREMIUM OR PAYMENT FOR SERIOUS VIOLENT OR SEXUAL OFFENSES; DECLARING CERTAIN CONDUCT TO BE UNLAWFUL AND PROVIDING A PENALTY THEREFOR; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.**

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**WHEREAS**, the City of Houston has experienced an increase in violent crimes due to several factors, including but not limited to the COVID-19 pandemic, social anxiety and economic uncertainty, the ability of certain citizens to openly carry handguns without a license or training, and a strained local criminal justice system struggling to adjudicate cases, resulting in a criminal court backlog greater than 100,000 cases; and

**WHEREAS**, every level of the criminal justice system is impacted when it is not operating efficiently and effectively to serve the best interests of the community; and

**WHEREAS**, many bail bond businesses authorized to execute bail bonds as a surety to ensure the appearance in court of a person accused of a crime are requesting substantially less than the customary 10 percent premium (cash deposit or other security provided) of the bail amount set by a judge or magistrate; and

**WHEREAS**, the City of Houston, Texas, is a home-rule municipality pursuant to section 5, article 11 of the Texas Constitution and as such, is vested with the power of local self-government; and

**WHEREAS**, section 54.004 of the Texas Local Government Code authorizes home-rule municipalities to enforce ordinances necessary to protect health, life, and property and to preserve the good government, order, and security of the municipality and its inhabitants; and

**WHEREAS**, on February 2, 2022, Mayor Sylvester Turner announced and committed substantial City resources to the implementation of *One Safe Houston*, a comprehensive violence reduction initiative focused on:

- (1) Violence Reduction and Crime Prevention;
- (2) Crisis Intervention, Response and Recovery;
- (3) Youth Outreach Opportunities; and
- (4) Key Community Partnerships; and

**WHEREAS**, as a component of *One Safe Houston*, the Administration requested bail bond businesses cease this practice and that the City of Houston Legal Department craft an ordinance to ensure that bail bond businesses are required to charge and collect not less than ten percent of the bail amount set; **NOW THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:**

**Section 1.** That the findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as part of this Ordinance.

**Section 2.** That Chapter 28 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Article XX that reads as follows:

**“ARTICLE XX. MINIMUM BAIL BOND DEPOSITS AND SECURITIES**

**Sec. 28-661. Definitions.**

As used in this article, the following words and terms shall have the meanings ascribed to them in this section, unless the context of their usage clearly indicates another meaning:

*Bail bond* has the meaning ascribed in section 1704.001, Texas Occupations Code.

*Bail bond surety* has the meaning ascribed in section 1704.001, Texas Occupations Code.

**Sec. 28-662. Minimum bail bond premium or payment required.**

It shall be unlawful for any person or entity licensed as a bail bond surety to collect a bail bond premium or payment in an amount less than ten percent of the total surety bond amount of bail set by a magistrate or judge for release of a pretrial detainee charged in state court with committing a serious violent or sexual offense as defined in the following sections of the Texas Penal Code:

- (1) Section 19.02 (murder);
- (2) Section 19.03 (capital murder);
- (3) Section 20.04 (aggravated kidnapping);
- (4) Section 20A.02 (trafficking of persons);

- (5) Section 20A.03 (continuous trafficking of persons);
- (6) Section 21.02 (continuous sexual abuse of young child or disabled individual);
- (7) Section 21.11 (indecent with a child);
- (8) Section 22.011 (sexual assault);
- (9) Section 22.02 (aggravated assault);
- (10) Section 22.021 (aggravated sexual assault);
- (11) Section 25.072 (repeated violation of certain court orders or conditions of bond in family violence, child abuse or neglect, sexual assault or abuse, indecent assault, stalking, or trafficking case);
- (12) Section 25.11 (continuous violence against the family);
- (13) Section 29.03 (aggravated robbery);
- (14) Section 43.25 (sexual act with a child).

**Sec. 28-663. Offense; penalty.**

Each violation of this article shall constitute a separate offense that shall be punishable as provided in section 1-6 of this Code.

**Section 3.** That the City Attorney is hereby authorized to direct the publisher of the Code of Ordinances, Houston, Texas, (the "Code") to make such nonsubstantive changes to the Code as are necessary to conform to the provisions adopted in this Ordinance, and also to make such changes to the provisions adopted in this Ordinance to conform them to the provisions and conventions of the published Code.

**Section 4.** That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances

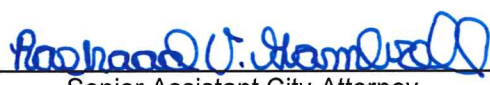
shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

**Section 5.** That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor.

**PASSED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2022.**

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Mayor of the City of Houston

<sup>JMC</sup>  
Prepared by Legal Dept.  
RVG 4/6/2022

  
Senior Assistant City Attorney  
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