

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1350.1 of Title 59, unless there
3 is created a duplication in numbering, reads as follows:

4 As used in the Bail Enforcement and Licensing Act:

5 1. "Client" means any person or legal entity entering into a
6 contract with a person which contract authorizes the services of a
7 bail enforcer;

8 2. "Council" means the Council on Law Enforcement Education and
9 Training (CLEET);

10 3. "License" means authorization issued by the Council pursuant
11 to the Bail Enforcement and Licensing Act permitting the holder to
12 perform functions and services as a bail enforcer or bail recovery
13 agency;

14 4. "Bail enforcer" means any person who acts, solicits or
15 offers services, or who for a client engages, to:

16 a. execute a pre-breach recovery of a defendant on bail
17 or bond as allowed by law,

18 b. execute a recovery of a defendant based upon a warrant
19 issued by a court of competent jurisdiction in this
20 state, another state or the United States, for failure
21 to appear on bail or bond,

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- 1 c. execute a recovery of a person on behalf of a client
2 who is a person entitled to legal custody or control
3 of such person, or
4 d. execute a recovery of a person sought in connection
5 with a criminal offense as allowed by law.

6 The term "bail enforcer" does not include any law enforcement
7 officer actively employed by a law enforcement agency recognized in
8 this state, or any of its political subdivisions, another state or
9 the United States, while such officer is engaged in the lawful
10 performance of duties authorized by his or her employing law
11 enforcement agency or a bail bondsman licensed in this state acting
12 within the scope of authority provided in Sections 1301 et seq. of
13 Title 59 of the Oklahoma Statutes;

14 5. "Armed bail enforcer" means a bail enforcer having a valid
15 license issued by the Council authorizing the holder to carry an
16 approved pistol or offensive weapon in the recovery of a defendant
17 pursuant to the Bail Enforcement and Licensing Act and any rules
18 promulgated pursuant thereto;

19 6. "Offensive weapon" means taser, stun gun, baton, night
20 stick, or toxic substance;

21 7. "Toxic substance" means pepper spray or mace;

22 8. "Bail recovery agency" means any sole proprietor, firm,
23 corporation, or other private legal entity that functions as a bail
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1 enforcer or employs or contracts with one or more persons to
2 function as bail enforcers for a client, or that solicits or offers
3 services as a bail enforcer;

4 9. "Defendant" means the principal on bail or bond or a person
5 named in a lawfully issued warrant for a criminal offense; and

6 10. "Recovery" or "surrender" means the return of a defendant
7 to the appropriate law enforcement agency's custody or control, or
8 securing the appearance of a defendant in open court where the
9 defendant is charged, or the return of a person other than a
10 defendant to an individual having lawful custody or control over
11 such person.

12 SECTION 3. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 1350.2 of Title 59, unless there
14 is created a duplication in numbering, reads as follows:

15 A. Any person who is prohibited from being licensed as a bail
16 bondsman as stated in subsection A of Section 1315 of Title 59 of
17 the Oklahoma Statutes shall be prohibited from being licensed as a
18 bail enforcer or bail recovery agency pursuant to the Bail
19 Enforcement and Licensing Act. In addition, a district attorney, or
20 any employee of an office of a district attorney, or any employee of
21 the Department of Corrections shall be prohibited from being
22 licensed as a bail enforcer or bail recovery agency.

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1 B. Nothing in the Bail Enforcement and Licensing Act shall be
2 construed to prohibit a bail bondsman, private investigator or
3 security guard licensed in this state from being dual-licensed
4 pursuant to the Bail Enforcement and Licensing Act.

5 SECTION 4. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 1350.3 of Title 59, unless there
7 is created a duplication in numbering, reads as follows:

8 A. On and after July 1, 2013, no person shall act or assist,
9 solicit or offer services, be employed, or represent himself or
10 herself, as a bail enforcer or bail recovery agency as defined by
11 the Bail Enforcement and Licensing Act without first having been
12 issued a license by the Council on Law Enforcement Education and
13 Training.

14 B. On or after July 1, 2013, any person who shall act or
15 assist, solicit or offer services, be employed, or represent himself
16 or herself, as a bail enforcer or bail recovery agency without a
17 valid license issued by the Council on Law Enforcement Education and
18 Training shall be guilty of a felony, upon conviction, punishable by
19 a fine in an amount not exceeding Ten Thousand Dollars (\$10,000.00),
20 or by imprisonment in the custody of the Department of Corrections
21 for a term of not more than three (3) years, or by both such fine
22 and imprisonment.

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1 C. Any person violating the provisions of subsection B of this
2 section while carrying or having in his or her possession or control
3 any firearm or offensive weapon, including a firearm under the
4 authority of the Oklahoma Self-Defense Act or a professional license
5 or certification, shall be punished, upon conviction, by an
6 additional fine in an amount not exceeding Five Thousand Dollars
7 (\$5,000.00), or by an additional term of imprisonment up to three
8 (3) years, or by both such fine and imprisonment. In addition, the
9 authority to carry the firearm may be permanently revoked.

10 SECTION 5. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 1350.4 of Title 59, unless there
12 is created a duplication in numbering, reads as follows:

13 A. It shall be unlawful for any person whose license as a bail
14 enforcer or bail recovery agency has been suspended, revoked,
15 surrendered or denied to perform, or assist in the performance of,
16 any function or service as a bail enforcer or bail recovery agency.

17 B. It shall be unlawful for a bail enforcer or bail recovery
18 agency licensed in this state to assist, aid or conspire with an
19 unlicensed person, or a person whose license as a bail enforcer,
20 bail bondsman or bail recovery agency has been suspended, revoked,
21 surrendered or denied, to engage in any function or service as a
22 bail enforcer.

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1 C. Any violation of this section shall be a violation of the
2 Bail Enforcement and Licensing Act which is punishable as provided
3 in Section 4 of this act.

4 SECTION 6. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 1350.5 of Title 59, unless there
6 is created a duplication in numbering, reads as follows:

7 A. The Director of the Council on Law Enforcement Education and
8 Training, and any staff member designated by the Director, shall
9 have all the powers and authority of peace officers of this state
10 for the purposes of enforcing the provisions of the Bail Enforcement
11 and Licensing Act, and all other duties which are or may be
12 conferred upon the Council by the Bail Enforcement and Licensing
13 Act. The powers and duties conferred on the Director or any staff
14 member appointed by the Director as a peace officer shall not limit
15 the powers and duties of other peace officers of this state or any
16 political subdivision thereof. Nothing in the Bail Enforcement and
17 Licensing Act shall be construed to restrict the Director from
18 appointing the same staff members as peace officers to enforce both
19 the Oklahoma Security Guard and Private Investigator Act and the
20 Bail Enforcement and Licensing Act.

21 B. The Council shall have the following powers and duties:

22 1. To promulgate rules and forms to implement, enforce and
23 carry out the purposes of the Bail Enforcement and Licensing Act;

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1 2. To establish and enforce standards governing the training of
2 persons required to be licensed pursuant to the Bail Enforcement and
3 Licensing Act with respect to:

- 4 a. issuing, denying, or revoking certificates of approval
5 to bail enforcement training schools, and programs
6 administered by the state, a county, a municipality, a
7 private corporation, or an individual,
- 8 b. certifying instructors at approved bail enforcement
9 training schools,
- 10 c. establishing minimum requirements for bail enforcement
11 training schools and periodically reviewing these
12 standards, and
- 13 d. providing for periodic inspection of all bail
14 enforcement training schools or programs;

15 3. To establish minimum curriculum requirements for training as
16 the Council may require for bail enforcers, armed bail enforcers,
17 and bail recovery agencies. Training requirements for unarmed bail
18 enforcers shall be not less than forty (40) hours of instruction
19 which shall be in addition to the Phase I, II, and III training
20 requirements. Training requirements for armed bail enforcer shall
21 be the same as for unarmed bail enforcers plus Phase IV firearm and
22 offensive weapons training;

1 4. To establish minimum requirements for a mandatory continuing
2 education program for all licensed bail enforcers and bail recovery
3 agencies which shall include, but not be limited to:

- 4 a. establishing a designated minimum number of clock
5 hours of required attendance, not less than twenty-
6 four (24) clock hours during the licensing period, at
7 accredited educational functions,
- 8 b. establishing the penalties to be imposed upon a
9 licensee for failure to comply with the continuing
10 education requirements, and
- 11 c. providing that the expense of such continuing
12 education shall be paid by the licensee participating
13 therein;

14 5. To grant a waiver of any training requirement, except
15 firearms training which shall be required for an armed bail enforcer
16 license, unless the applicant has completed at least one (1) year of
17 full-time employment as an armed security guard, armed private
18 investigator, or CLEET-certified law enforcement officer within the
19 three-year period immediately preceding the date of application and
20 the applicant provides sufficient documentation thereof as may be
21 required by the Council;

22 6. To grant an applicant credit for fulfilling any prescribed
23 course or courses of training, including firearms training, upon
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1 submission of acceptable documentation of comparable training. The
2 Council may grant or refuse any such credit at its discretion;

3 7. To issue the licenses and identification cards provided for
4 in the Bail Enforcement and Licensing Act;

5 8. To investigate alleged violations of the Bail Enforcement
6 and Licensing Act, or rules promulgated pursuant thereto, and to
7 deny, suspend, or revoke licenses and identification cards if
8 necessary, or to issue notices of reprimand to licensees with or
9 without probation under the rules promulgated by the Council;

10 9. To investigate alleged violations of the Bail Enforcement
11 and Licensing Act by persons not licensed in this state and to
12 impose administrative sanctions pursuant to rule, to seek an
13 injunction pursuant to Section 1750.2A of Title 59 of the Oklahoma
14 Statutes, or seek criminal prosecution, or any and all of the
15 foregoing;

16 10. To provide all forms for applications, identification
17 cards, and licenses required by the Bail Enforcement and Licensing
18 Act;

19 11. To immediately suspend a license if a licensee's actions
20 present a danger to the licensee or to the public; and

21 12. To require additional testing for continuation or
22 reinstatement of a license if a licensee exhibits an inability to
23 exercise reasonable judgment, skill, or safety.

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 C. The Council shall use staff and resources established for
2 the Oklahoma Security Guard and Private Investigator Act to
3 implement, administer and enforce the Bail Enforcement and Licensing
4 Act and may additionally use funds available from the CLEET Bail
5 Enforcer Revolving Fund for necessary financial support for the Bail
6 Enforcement and Licensing Act.

7 D. Nothing in the Bail Enforcement and Licensing Act or the
8 Oklahoma Security Guard and Private Investigator Act shall be
9 construed to prohibit the Council from authorizing approved training
10 schools or individuals to conduct combined education or training for
11 security guards, private investigators and bail enforcers, including
12 Phases I, II, III and IV training.

13 SECTION 7. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 1350.6 of Title 59, unless there
15 is created a duplication in numbering, reads as follows:

16 A. Each applicant for a bail enforcer license shall be
17 administered any current standard form of the Minnesota Multiphasic
18 Personality Inventory (MMPI), or other psychological evaluation
19 instrument approved by the Council on Law Enforcement Education and
20 Training, which shall be administered in conjunction with training
21 in Phase I required by the Bail Enforcement and Licensing Act. The
22 bail enforcer training school administering such instrument shall
23 forward the response data to a psychologist licensed by the State

1 Board of Examiners of Psychologists for evaluation. The licensed
2 psychologist shall be of the applicant's choice. It shall be the
3 responsibility of the applicant to bear the cost of the
4 psychological evaluation. No bail enforcer license shall be issued
5 unless the applicant meets the standards established by the Council
6 for psychological evaluation.

7 B. If the licensed psychologist is unable to certify the
8 applicant's psychological capability to exercise appropriate
9 judgment, restraint, and self-control, after evaluating the data,
10 the psychologist shall employ whatever other psychological measuring
11 instruments or techniques deemed necessary to form a professional
12 opinion. The use of any psychological measuring instruments or
13 techniques shall require a full and complete written explanation to
14 the Council on Law Enforcement Education and Training.

15 C. The psychologist shall forward a written psychological
16 evaluation, on a form prescribed by the Council, to the Council
17 within fifteen (15) days of the evaluation, even if the applicant is
18 found to be psychologically at risk. The Council may utilize the
19 results of the psychological evaluation for up to six (6) months
20 from the date of the evaluation after which the applicant shall be
21 reexamined. No person who has been found psychologically at risk in
22 the exercise of appropriate judgment, restraint, or self-control
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1 shall reapply for certification until one (1) year from the date of
2 being found psychologically at risk.

3 D. 1. Retired peace officers who have been certified by the
4 Council on Law Enforcement Education and Training shall be exempt
5 from the provisions of this section for a period of one (1) year
6 from retirement; provided there is no evidence of an inability to
7 exercise appropriate judgment, restraint, and self-control during
8 active duty as a law enforcement officer or upon subsequent
9 retirement.

10 2. Retired peace officers who are not exempt from this section
11 and who have previously undergone treatment for a mental illness,
12 condition, or disorder which required medication or supervision, as
13 defined by paragraph 7 of Section 1290.10 of Title 21 of the
14 Oklahoma Statutes, may not apply for a bail enforcer license except
15 upon presentation of a certified statement from a licensed physician
16 stating that the person is no longer disabled by any mental or
17 psychiatric illness, condition, or disorder.

18 SECTION 8. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 1350.7 of Title 59, unless there
20 is created a duplication in numbering, reads as follows:

21 A. A bail enforcer license, an armed bail enforcer license, or
22 a bail recovery agency license may be issued to an applicant meeting
23 the following qualifications. The applicant shall:

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 1. Be a citizen of the United States or an alien legally
2 residing in the United States and have a minimum of six (6) months
3 legal residence in this state;

4 2. Be at least twenty-one (21) years of age;

5 3. Have a high school diploma or GED and have successfully
6 completed the training and psychological evaluation requirements for
7 the license applied for, as prescribed by the Council;

8 4. Be of good moral character;

9 5. Have no active victim protection orders issued in any state
10 either as plaintiff or defendant;

11 6. Have no record of a felony conviction or any expungement or
12 a deferred judgment or suspended sentence for a felony offense;

13 7. Have no record of conviction for assault or battery,
14 aggravated assault or battery, larceny, theft, false pretense,
15 fraud, embezzlement, false personation of an officer, any offense
16 involving moral turpitude, any offense involving a minor as a
17 victim, any nonconsensual sex offense, any offense involving the
18 possession, use, distribution, or sale of a controlled dangerous
19 substance, any offense of driving while intoxicated or driving under
20 the influence of intoxicating substance, any offense involving a
21 firearm, or any other offense as prescribed by the Council.

22 a. If any conviction which disqualifies an applicant
23 occurred more than five (5) years prior to the
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1 application date and the Council is convinced the
2 offense constituted an isolated incident and the
3 applicant has been rehabilitated, the Council may, in
4 its discretion, waive the conviction disqualification
5 as provided for in this paragraph and issue an unarmed
6 bail enforcer license, but shall not issue an armed
7 bail enforcer license if the offense involved the use
8 of a firearm, was violent in nature, or was a felony
9 offense other than a driving offense.

10 b. Under oath, the applicant shall certify that he or she
11 has no disqualifying convictions as specified in the
12 Bail Enforcement and Licensing Act or by rule of the
13 Council.

14 c. The applicant shall further meet all other
15 qualifications, including, but not limited to, the
16 requirement to provide CLEET and the Oklahoma State
17 Bureau of Investigation with individual fingerprints
18 for a state and national criminal history records
19 search and a current individual photograph with the
20 completed CLEET application for a bail enforcer
21 license.

22 d. If upon completion of the required background
23 investigation it is discovered that a disqualifying

1 conviction exists, the Council shall immediately
2 revoke or deny the bail enforcer license of the
3 applicant;

4 8. Make a statement that the applicant is not currently
5 undergoing treatment for a mental illness, condition, or disorder,
6 make a statement whether the applicant has ever been adjudicated
7 incompetent or committed to a mental institution, and make a
8 statement regarding any history of illegal drug use or alcohol
9 abuse. Upon presentation by the Council on Law Enforcement
10 Education and Training of the name, gender, date of birth, and
11 address of the applicant to the Department of Mental Health and
12 Substance Abuse Services, the Department of Mental Health and
13 Substance Abuse Services shall notify the Council within ten (10)
14 days whether the computerized records of the Department indicate the
15 applicant has ever been involuntarily committed to an Oklahoma state
16 mental institution. For purposes of this subsection, "currently
17 undergoing treatment for a mental illness, condition, or disorder"
18 means the person has been diagnosed by a licensed physician or
19 psychologist as being afflicted with a substantial disorder of
20 thought, mood, perception, psychological orientation, or memory that
21 significantly impairs judgment, behavior, capacity to recognize
22 reality, or ability to meet the ordinary demands of life and such
23 condition continues to exist;

1 9. Make a statement regarding any misdemeanor domestic violence
2 charges;

3 10. Provide proof of an individual liability insurance policy
4 in a minimum amount established by the Bail Enforcement and
5 Licensing Act; and

6 11. Provide a statement of employment by a licensed bail
7 recovery agency or a statement of self-employment as a sole
8 proprietor bail enforcer and bail recovery agency.

9 B. A bail recovery agency license may be issued to an
10 individual, corporation, or other legal entity meeting all the
11 individual requirements for a bail enforcer and the following:

12 1. If the license is to be issued in the name of a legal entity
13 other than a natural person, the applicant must furnish proof that
14 the entity is legally recognized and qualified to conduct business
15 in this state, such as the issuance of a corporate charter;

16 2. Any person, otherwise qualified, may own a bail recovery
17 agency;

18 3. A self-employed bail enforcer who employs no other bail
19 enforcers shall also be licensed as a bail recovery agency, but
20 shall only be required to be insured or bonded as a self-employed
21 bail enforcer;

22 4. A bail recovery agency shall be required to maintain a
23 physical place of business in this state and the business name,
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1 physical address and phone number shall be publically available and
2 published in the city or county where the physical address is
3 located;

4 5. Only a bail recovery agency may enter into a client contract
5 for bail enforcer services;

6 6. The executive officer or owner in charge of the business
7 operations for a bail recovery agency shall be a resident of this
8 state and shall be required to:

9 a. maintain and furnish a current list of all persons
10 acting as bail enforcers for the agency, including
11 both employees and self-employed bail enforcers, and
12 agree to notify the Council of each termination, hire
13 or new contractor, within the time period and manner
14 specified by the rules promulgated for the Bail
15 Enforcement and Licensing Act, and

16 b. maintain complete records of all clients and
17 apprehensions, and agree such records shall be
18 available to CLEET for inspection at any time during
19 regular business hours; and

20 7. A natural person seeking a bail recovery agency license
21 shall not have had his or her bail enforcer license denied,
22 suspended or revoked or have had any investigative agency license,
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1 or private investigator, security guard or bail bondsman license, or
2 law enforcement certification, denied, suspended or revoked.

3 C. 1. All persons and agencies shall obtain and maintain
4 liability coverage in accordance with the following minimum
5 standards:

6 a. general liability insurance coverage for bodily
7 injury, personal injury, and property damage, with
8 endorsements for personal injury including false
9 arrest, libel, slander, and invasion of privacy, or

10 b. a surety bond that allows persons to recover for
11 actionable injuries, loss, or damage as a result of
12 the willful, or wrongful acts or omissions of the
13 principal and protects this state, its agents,
14 officers and employees from judgments against the
15 principal or insured licensee, and is further
16 conditioned upon the faithful and honest conduct of
17 the principal's business.

18 2. Liability coverage and bond outlined in this section shall
19 be in the minimum amounts of Three Hundred Thousand Dollars
20 (\$300,000.00) for individual bail enforcers and One Million Dollars
21 (\$1,000,000.00) for a bail recovery agency that supervises and
22 employs or contracts with bail enforcers or for persons who are
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1 dual-licensed bail enforcers, bail bondsmen, private investigators
2 or security guards.

3 3. All bail recovery agencies shall ensure that all employees
4 and contractors have met the minimum liability coverage as
5 prescribed in this section and all license requirements.

6 4. Insurance policies and bonds issued pursuant to this section
7 shall not be modified or canceled unless ten (10) days' prior
8 written notice is given to the Council. All persons and agencies
9 insured or bonded pursuant to this section shall be insured or
10 bonded by an insurance carrier or a surety company licensed and
11 authorized to do business in the state. Failure to obtain and
12 maintain sufficient insurance as provided in the Bail Enforcement
13 and Licensing Act shall be grounds for revocation of a license.

14 D. Upon written notice, any license may be placed on inactive
15 status.

16 E. Similar or duplicate bail recovery agency names will not be
17 issued. Each agency name must be distinguishably different.

18 SECTION 9. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 1350.8 of Title 59, unless there
20 is created a duplication in numbering, reads as follows:

21 A. 1. Application for a bail enforcer or bail recovery agency
22 license shall be made on forms provided by the Council on Law
23 Enforcement Education and Training and shall be submitted in writing

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1 by the applicant under oath. The application shall require the
2 applicant to furnish information reasonably required by the Council
3 to implement the provisions of the Bail Enforcement and Licensing
4 Act, including classifiable fingerprints to enable the search of
5 criminal indices for evidence of a prior criminal record, including,
6 but not limited to, a national criminal history record check as
7 defined by Section 150.9 of Title 74 of the Oklahoma Statutes.

8 2. Upon request of the Council, the Oklahoma State Bureau of
9 Investigation and other state and local law enforcement agencies
10 shall furnish a copy of any existent criminal history data relating
11 to an applicant to enable the Council to determine the
12 qualifications and fitness of such applicant for a license.

13 B. 1. On and after July 1, 2013, the original application and
14 any license renewal shall be accompanied by a fee of Three Hundred
15 Dollars (\$300.00) for each original application and renewal of an
16 unarmed bail enforcer license, Four Hundred Dollars (\$400.00) for an
17 armed bail enforcer license, or Six Hundred Dollars (\$600.00) for a
18 bail recovery agency license. If an individual or agency does not
19 qualify for the type of license or renewal license requested, the
20 Council shall retain twenty percent (20%) of the licensing fee as a
21 processing fee and refund the remaining amount to the individual or
22 agency submitting payment. The individual license fee paid by a
23 licensed agency will be refunded to the agency. In addition to the

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1 fees provided in this subsection, the original application of a bail
2 enforcer license shall be accompanied by a nonrefundable fee for a
3 national criminal history record check with fingerprint analysis, as
4 provided in Section 150.9 of Title 74 of the Oklahoma Statutes.

5 2. A licensee whose license has been suspended may apply for
6 reinstatement of license after the term of the suspension has
7 passed, if otherwise qualified. Any application for reinstatement
8 following a suspension of licensure shall be accompanied by a
9 nonrefundable fee of One Hundred Dollars (\$100.00) for the
10 reinstatement of an unarmed bail enforcer license, One Hundred Fifty
11 Dollars (\$150.00) for an armed bail enforcer license, and Two
12 Hundred Dollars (\$200.00) for a bail recovery agency license. A
13 revoked license shall not be reinstated.

14 3. A licensee who fails to file a renewal application on or
15 before the expiration of a license shall pay a late fee of Fifty
16 Dollars (\$50.00) for an individual license and a late fee of One
17 Hundred Dollars (\$100.00) for an agency license.

18 4. The fees charged and collected pursuant to the provisions of
19 this section shall be deposited to the credit of the CLEET Bail
20 Enforcement Revolving Fund created pursuant to Section 20 of this
21 act.

22 C. On and after July 1, 2013, a bail enforcer license or armed
23 bail enforcer license shall be valid for a period of three (3) years

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1 and may be renewed for additional three-year terms. A bail recovery
2 agency license shall be valid for a period of three (3) years and
3 may be renewed for additional three-year terms.

4 D. The Council shall devise a system for issuance of licenses
5 for the purpose of evenly distributing the expiration dates of the
6 licenses.

7 E. Pursuant to rule, the Council may issue a duplicate license
8 to a person licensed pursuant to the provisions of the Bail
9 Enforcement and Licensing Act. On and after July 1, 2013, the
10 Council may assess a fee of Twenty-five Dollars (\$25.00) for the
11 issuance of a duplicate license. The fee shall accompany the
12 request for a duplicate license. All duplicate license fees shall
13 be deposited to the credit of the CLEET Bail Enforcement Revolving
14 Fund created pursuant to Section 17 of this act.

15 SECTION 10. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 1350.9 of Title 59, unless there
17 is created a duplication in numbering, reads as follows:

18 A. A bail enforcer license, armed bail enforcer license or bail
19 recovery agency license shall be subject to denial, suspension, or
20 revocation and/or disciplinary penalty or fine by the Council on Law
21 Enforcement Education and Training subject to the Administrative
22 Procedures Act for, but not limited to, the following reasons by
23 clear and convincing evidence:

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- 1 1. Any erroneous or false statement in an application for a
2 license submitted pursuant to the Bail Enforcement and Licensing Act
3 or rules promulgated pursuant thereto;
- 4 2. Failure to successfully complete any prescribed course of
5 training as required by the Council;
- 6 3. Violation of any provision of the Bail Enforcement and
7 Licensing Act or any rule promulgated pursuant thereto;
- 8 4. A conviction for assault or battery, aggravated assault or
9 battery, larceny, theft, false pretense, fraud, embezzlement, false
10 personation of an officer, any offense involving moral turpitude,
11 any offense involving a minor as a victim, any nonconsensual sex
12 offense, any offense involving the possession, use, distribution, or
13 sale of a controlled dangerous substance, any offense of driving
14 while intoxicated or driving under the influence of intoxicating
15 substance, any offense involving a firearm, or any other offense as
16 proscribed by the Council;
- 17 5. Use of beverages containing alcohol while armed with a
18 firearm;
- 19 6. Knowingly impersonating a law enforcement officer;
- 20 7. Failure to obtain or maintain liability insurance coverage
21 pursuant to the Bail Enforcement and Licensing Act;
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1 8. Failure to carry and possess proper identification or
2 documents required by the Bail Enforcement and Licensing Act or any
3 rules promulgated pursuant thereto;

4 9. Failure to wear properly marked apparel or have a properly
5 marked vehicle, if required to be marked, pursuant to the Bail
6 Enforcement and Licensing Act;

7 10. Improper carry, display or use of a firearm, offensive
8 weapon or toxic substance;

9 11. Illegal entry into a dwelling place, structure, property or
10 vehicle or improper or illegal detention of any person;

11 12. Employing, authorizing, or permitting an unlicensed or
12 uninsured person to perform or assist as a bail enforcer; or

13 13. Permitting a person to perform or assist as a bail
14 enforcer, knowing the person has committed any offense enumerated in
15 the Bail Enforcement and Licensing Act.

16 B. Upon the effective date of suspension or revocation of any
17 license pursuant to the Bail Enforcement and Licensing Act, the
18 licensee shall have the duty to surrender the license and any
19 identification card issued pursuant thereto to the Council.

20 SECTION 11. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 1350.10 of Title 59, unless
22 there is created a duplication in numbering, reads as follows:

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UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 A. It shall be unlawful for any person to mark any vehicle,
2 wear any apparel, or display any badge or identification card
3 bearing the words "Fugitive Agent", "Recovery Agent", "Enforcement
4 Officer", "Bounty Hunter", "Bail Agent", or "Recovery Detective" or
5 use any other words or phrases that imply that such person is a bail
6 enforcer as defined by the Bail Enforcement and Licensing Act. Any
7 violation shall be a violation of the Bail Enforcement and Licensing
8 Act which is punishable as provided in Section 4 of this act.

9 B. No person licensed as a bail enforcer or bail recovery
10 agency shall:

11 1. Divulge any information gained by him or her in the course
12 of employment except as the employer or client may direct or as may
13 be required by law to be disclosed;

14 2. Willfully make a false report to his or her employer or to a
15 client;

16 3. Attempt any location, apprehension, recovery or surrender of
17 any person without having in his or her possession written proof of
18 the client contract;

19 4. Attempt any location, apprehension, recovery or surrender of
20 any person without having in his or her possession a certified copy
21 of the arrest warrant or certified copy of the signed bail or bond
22 agreement;

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1 5. Wear law enforcement style apparel, badges, shields,
2 ballistic vest or helmet which would imply to the public that the
3 person is a law enforcement officer or represents a law enforcement
4 agency; provided, however, a ballistic vest may be worn when
5 concealed under properly marked apparel;

6 6. Carry any firearm or offensive weapon in the recovery of a
7 defendant without a valid armed bail enforcer license, or carry any
8 firearm or offensive weapon when wearing bail enforcer apparel and
9 not actively engaged in the recovery of a defendant;

10 7. Point, display or discharge a firearm or offensive weapon or
11 administer a toxic substance in the recovery of a defendant without
12 lawful authority and training as provided by the rules promulgated
13 by the Council;

14 8. Wear any uniform, or use any title, insignia, badge or
15 identification card or make any statements that would lead a person
16 to believe that he or she is connected in any way with the federal
17 government, a state government, or any political subdivision of a
18 state government, or as an officer, director, partner or manager to
19 permit another person under his or her supervision to do such
20 prohibited acts, unless lawfully authorized by proper authorities to
21 do so;

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1 9. Enter into any private dwelling place, structure, property
2 or vehicle of a defendant or innocent third party by force without
3 lawful cause and authority as established by law or rule;

4 10. Use force or intimidation against an innocent third party;

5 11. Disobey any local ordinance, state or federal law,
6 including traffic laws, in attempting to locate, apprehend, recover
7 or surrender any person pursuant to the Bail Enforcement and
8 Licensing Act; or

9 12. Use or modify any vehicle for purposes of bail enforcement
10 that resembles or bears markings or equipment similar to those
11 markings or equipment of an authorized law enforcement agency in
12 this state, or any of its political subdivisions, or that bear any
13 emblems, stickers, seals or paint in colors or design that would
14 imply to the public that the vehicle is a law enforcement vehicle
15 from this state, another state, or any political subdivision of a
16 state, or the United States.

17 A violation of any provision of this subsection shall be
18 punishable as provided in Section 4 of this act. In addition, the
19 Council may suspend or revoke the license of the bail enforcer or
20 bail recovery agency as provided by the rules promulgated pursuant
21 to the Bail Enforcement and Licensing Act.

22 C. The Council on Law Enforcement Education and Training or its
23 employees shall not disclose application information pertaining to
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1 persons licensed pursuant to the Bail Enforcement and Licensing Act,
2 except:

3 1. To verify the current license status of any applicant or
4 licensee to the public;

5 2. As may be necessary to perform duties or comply with rules
6 or law pursuant to the Bail Enforcement and Licensing Act;

7 3. To a bona fide law enforcement agency or judicial authority,
8 upon request;

9 4. To a liability insurance company licensed in this state for
10 purposes of issuing a liability policy for licensure pursuant to the
11 Bail Enforcement and Licensing Act or for claims purposes;

12 5. To provide the published business name, address and phone
13 number, upon request by the public, of any licensed bail recovery
14 agency in the state; or

15 6. As required by court order.

16 SECTION 12. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 1350.11 of Title 59, unless
18 there is created a duplication in numbering, reads as follows:

19 A. Each bail enforcer licensed pursuant to the Bail Enforcer
20 and Licensing Act shall carry a valid driver license or state-issued
21 photo identification card and an identification card issued by the
22 Council on Law Enforcement Education and Training at all times while
23 performing the functions and services of a bail enforcer in this

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1 state. Each bail recovery agency shall display in its primary
2 office in this state a valid license therefor issued by the Council.

3 B. Each discharge of a firearm, taser or stun gun, or the
4 administration of any toxic substance in the recovery of a defendant
5 pursuant to the Bail Enforcement and Licensing Act, other than for
6 training purposes, shall be reported immediately to the Council by
7 the licensee and the bail recovery agency, if the bail enforcer is
8 an employee or contractor of the agency.

9 SECTION 13. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 1350.12 of Title 59, unless
11 there is created a duplication in numbering, reads as follows:

12 A. The words "police", "deputy", "detective", "officer",
13 "agent", or "investigator" shall not be displayed upon any bail
14 enforcer badge, uniform, or vehicle. The words "Bail Enforcer", or
15 "Bail Enforcer" in conjunction with the bail recovery agency's name,
16 shall be displayed on any badge or uniform in bold letters together
17 with the person's valid state-issued license number.

18 B. Vehicles used by bail enforcers or bail recovery agencies
19 pursuant to the Bail Enforcement and Licensing Act, if marked, shall
20 bear the words "Bail Enforcer", or "Bail Enforcer" in conjunction
21 with the agency's name, address and phone number in conspicuous
22 letters. No such vehicle shall be equipped with a siren, a lamp
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1 with a red or blue lens, or an overhead light or lights with red or
2 blue lens.

3 C. Any violation of this section shall be punishable as
4 provided in Section 4 of this act. In addition, the Council may
5 suspend or revoke the license pursuant to the rules promulgated for
6 such prohibited conduct.

7 SECTION 14. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 1350.13 of Title 59, unless
9 there is created a duplication in numbering, reads as follows:

10 A. The firearm training for armed bail enforcers may include
11 the reduction targets for weapons fired at fifty (50) feet to
12 simulate weapons fired at seventy-five (75) feet in indoor ranges.
13 All indoor ranges for this training shall have a minimum of three
14 firing lanes and be approved by the Council on Law Enforcement
15 Education and Training.

16 B. The Council shall approve the standards and curriculum for
17 approved training schools on the use of tasers and stun guns and the
18 administration of toxic substances to recover a defendant. No bail
19 enforcer or bail bondsman shall be permitted to carry a taser or
20 stun gun or administer toxic substances in the recovery of a
21 defendant without successful completion of the training requirement
22 established by the Council.

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UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 SECTION 15. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1350.14 of Title 59, unless
3 there is created a duplication in numbering, reads as follows:

4 A. On and after July 1, 2013, private schools desiring to
5 conduct any or all phases of bail enforcement training shall submit
6 an application for a certificate of approval to the Council on Law
7 Enforcement Education and Training. The application shall be
8 accompanied by a fee of Three Hundred Dollars (\$300.00). The
9 certificate shall be renewed annually by July 1. The renewal fee
10 shall be Three Hundred Dollars (\$300.00). If the school does not
11 qualify for a certificate or renewal certificate, the Council on Law
12 Enforcement Education and Training shall retain twenty percent (20%)
13 of the fee as a processing fee and refund the balance to the school.
14 The processing fee shall be credited and deposited in the CLEET Bail
15 Enforcement Revolving Fund created in Section 17 of this act.

16 B. A listing of qualified and certified bail enforcement
17 training schools shall be available from the Council. Any certified
18 school may conduct continuing education courses on subjects approved
19 by the Council.

20 SECTION 16. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 1350.15 of Title 59, unless
22 there is created a duplication in numbering, reads as follows:
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1 Every bail enforcer who holds a valid license in this state
2 shall have access to the county jails of this state for the purpose
3 of surrendering persons recovered pursuant to the Bail Enforcement
4 and Licensing Act, subject to the rules adopted by the Council on
5 Law Enforcement Education and Training and rules promulgated by the
6 local authority of the jurisdiction.

7 SECTION 17. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 1350.16 of Title 59, unless
9 there is created a duplication in numbering, reads as follows:

10 There is hereby created in the State Treasury a revolving fund
11 for the Council on Law Enforcement Education and Training to be
12 designated the "CLEET Bail Enforcement Revolving Fund". The fund
13 shall be a continuing fund, not subject to fiscal year limitations,
14 and shall consist of all application fees, license fees, renewal
15 fees, late fees, penalties and fines and other funds assessed or
16 collected pursuant to the Bail Enforcement and Licensing Act. All
17 monies accruing to the credit of the fund are hereby appropriated
18 and may be budgeted and expended by the Council on Law Enforcement
19 Education and Training for the implementation, administration and
20 enforcement of the Bail Enforcement and Licensing Act. Expenditures
21 from the fund shall be made upon warrants issued by the State
22 Treasurer against claims filed as prescribed by law with the
23 Director of the Office of State Finance for approval and payment.

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 SECTION 18. AMENDATORY 59 O.S. 2011, Section 1327, is
2 amended to read as follows:

3 Section 1327. A. At any time before there has been a breach of
4 the undertaking in any type of bail provided herein, the surety or
5 bondsman or a licensed bail enforcer pursuant to a client contract
6 under the Bail Enforcement and Licensing Act may surrender the
7 defendant, or the defendant may surrender himself or herself, to the
8 official to whose custody the defendant was committed at the time
9 bail was taken, or to the official into whose custody the defendant
10 would have been given had he or she been committed. The defendant
11 may be surrendered without the return of premium for the bond if he
12 or she has been guilty of nonpayment of premium, changes address
13 without notifying his or her bondsman, conceals himself or herself,
14 leaves the jurisdiction of the court without the permission of his
15 or her bondsman, or violates his or her contract with the bondsman
16 in any way that does harm to the bondsman, or the surety, or
17 violates his or her obligation to the court. When a bondsman or
18 surety, or a licensed bail enforcer, surrenders a defendant pursuant
19 to this subsection, the bondsman or surety shall file written
20 notification of the surrender. After surrender, and upon filing of
21 written notification of the surrender, the bond shall be exonerated
22 and the clerk shall enter a minute in the case exonerating the bond.

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~~Strike thru~~ language denotes deletion from present Statutes.

1 B. If the defendant has been placed in custody of another
2 jurisdiction, the district attorney shall direct a hold order to the
3 official, judge or law enforcement agency where the defendant is in
4 custody. All reasonable expenses accrued in returning the defendant
5 to the original court shall be borne by the bondsman who posted the
6 bond with that court. Upon application, the bond in the original
7 court shall be exonerated when the hold order is placed and upon
8 proof of payment of expenses by the bondsman.

9 C. If the defendant has been arrested on new charges and is in
10 the custody of the same jurisdiction in which the bondsman or surety
11 has posted an appearance bond or bonds for the defendant, and the
12 bond or bonds have not been exonerated, and certified copies of
13 bonds are not reasonably available, the bondsman or surety may
14 recommit the defendant to be held in custody on the charges for
15 which the bondsman or surety has previously posted appearance bonds
16 thereon, in accordance with the following procedure:

17 1. On a Recommitment of Defendant by Bondsman form approved by
18 the Administrative Office of the Courts, the bondsman or surety
19 shall personally affix his or her signature to an affidavit
20 attesting to the following:

21 a. the defendant is presently in the custody of the
22 jurisdiction in which the bondsman or surety has
23 posted a bond or bonds,

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- 1 b. the case number, if any, assigned to each bond,
2 c. that the bond or bonds have not been exonerated, and
3 d. the specific charges and bond amount or amounts;

4 2. The bondsman or surety shall present the Recommitment of
5 Defendant by Bondsman form to the official in whose custody the
6 defendant is being held, and the official shall detain the defendant
7 in his or her custody, thereon, as upon a commitment, and by a
8 certificate in writing acknowledging the surrender; and

9 3. When a bondsman or surety recommits a defendant pursuant to
10 this subsection, the bondsman or surety shall file a written
11 notification thereof to the court, and after such notification, the
12 bond or bonds shall be exonerated, and the clerk shall enter a
13 minute in the case exonerating the bond or bonds.

14 D. When a defendant does appear before the court as required by
15 law and enters a plea of guilty or nolo contendere, is sentenced or
16 a deferred sentence is granted as provided for in Section 991c of
17 Title 22 of the Oklahoma Statutes, in such event the undertaking and
18 bondsman and insurer shall be exonerated from further liability.

19 SECTION 19. AMENDATORY 59 O.S. 2011, Section 1328, is
20 amended to read as follows:

21 Section 1328. The ~~person~~ bondsman or surety, or a licensed bail
22 enforcer pursuant to a client contract under the Bail Enforcement
23 and Licensing Act, desiring to make a surrender of the defendant

1 shall procure or have in his or her possession a certified copy of
2 the undertakings and deliver ~~them~~ such documents together with the
3 defendant to the official in whose custody the defendant was at the
4 time bail was taken, or to the official into whose custody he or she
5 would have been given had he or she been committed, who shall detain
6 the defendant in ~~his or her~~ custody thereon, as upon a commitment,
7 and by a certificate in writing acknowledge the surrender.

8 Upon the presentation of a certified copy of the undertaking and
9 the certificate of the official, the court before which the
10 defendant has been held to answer, or the court in which the
11 preliminary examination, indictment, information or appeal, ~~as the~~
12 ~~case may be~~ is pending, shall, upon notice of three (3) days given
13 by the person making the surrender to the prosecuting officer of the
14 court having jurisdiction of the offense, together with a copy of
15 the undertakings and certificate, order that the obligors be
16 exonerated from liability on their undertakings; and, if money has
17 been deposited as bail, that such money or bonds be refunded. If
18 property pledged, a certificate of exoneration be issued and the
19 lien previously filed be released and the undertakings of whatever
20 nature be canceled.

21 If certified copies of bonds are not reasonably available, the
22 bondsman or surety may recommit the defendant to be held in custody
23 on the charges for which the bondsman or surety has previously

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1 posted appearance bonds thereon in accordance with the following
2 procedure:

3 1. On a Recommitment of Defendant by Bondsman form approved by
4 the Administrative Office of the Courts, the bondsman or surety
5 shall personally affix his or her signature to an affidavit
6 attesting to the following:

7 a. the bondsman or surety has posted a bond or bonds for
8 the defendant and is hereby presented to the official
9 in whose custody the defendant was at the time bail
10 was taken,

11 b. the case number, if any, assigned to each bond, and

12 c. the specific charges and bond amount or amounts;

13 2. The bondsman or surety shall present the Recommitment of
14 Defendant by Bondsman form to the official in whose custody the
15 defendant is being surrendered, and the official shall detain the
16 defendant in his or her custody thereon, as upon a commitment, and
17 by a certificate in writing acknowledging the surrender; and

18 3. When a bondsman or surety recommits a defendant pursuant to
19 this subsection, the bondsman or surety shall file a written
20 notification thereof to the courts, and after such notification, the
21 bond or bonds shall be exonerated and the clerk shall enter a minute
22 in the case exonerating the bond or bonds.

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1 SECTION 20. AMENDATORY 59 O.S. 2011, Section 1329, is
2 amended to read as follows:

3 Section 1329. For the purpose of surrendering the defendant,
4 ~~the~~:

5 1. The surety may arrest ~~him~~ the defendant before the
6 forfeiture of the undertaking, ~~or~~;

7 2. The surety, by written authority endorsed on a certified
8 copy of the undertaking, may empower any peace officer to make an
9 arrest of the defendant, first paying the lawful fees therefor; ~~or~~

10 3. The surety, by contract with a licensed bail enforcer or
11 bail recovery agency pursuant to the Bail Enforcement and Licensing
12 Act which contract has attached a certified copy of the undertaking,
13 may authorize the bail enforcer or bail recovery agency to recover
14 the person.

15 In addition, the bondsman may surrender the defendant by
16 following the commitment procedures as set forth in subsection C of
17 Section 1327 of this title.

18 SECTION 21. AMENDATORY 59 O.S. 2011, Section 1332, is
19 amended to read as follows:

20 Section 1332. A. If there is a breach of an undertaking, the
21 court before which the cause is pending shall issue an arrest
22 warrant for the defendant and declare the undertaking and any money,
23 property, or securities that have been deposited as bail, forfeited

1 on the day the defendant failed to appear. In the event of the
2 forfeiture of a bail bond the clerk of the trial court shall, within
3 thirty (30) days after the forfeiture, by mail with return receipt
4 requested, mail a true and correct copy of the order and judgment of
5 forfeiture to the bondsman, and if applicable, the insurer, whose
6 risk it is, and keep at least one copy of the order and judgment of
7 forfeiture on file; provided, the clerk shall not be required to
8 mail the order and judgment of forfeiture to the bondsman or insurer
9 if, within fifteen (15) days from the date of forfeiture, the
10 defendant is returned to custody, the bond is reinstated by the
11 court with the bondsman's approval, or the order of forfeiture is
12 vacated or set aside by the court. Failure of the clerk of the
13 trial court to comply with the thirty-day notice provision in this
14 subsection shall exonerate the bond by operation of law.

15 B. The order and judgment of forfeiture shall be on forms
16 prescribed by the Administrative Director of the Courts.

17 C. 1. The bail bondsman shall have ninety (90) days from
18 receipt of the order and judgment of forfeiture from the court clerk
19 or mailing of the notice if no receipt is made, to return the
20 defendant to custody.

21 2. The bail bondsman may contract with a licensed bail enforcer
22 or bail recovery agency pursuant to the Bail Enforcement and
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1 Licensing Act to recover and return the defendant to custody within
2 the ninety-day period, or as agreed.

3 3. When the court record indicates that the defendant is
4 returned to custody in the jurisdiction where forfeiture occurred,
5 within the ninety-day period, the court clerk shall enter minutes
6 vacating the forfeiture and exonerating the bond. If the defendant
7 has been timely returned to custody, but this fact is not reflected
8 by the court record, the court shall vacate the forfeiture and
9 exonerate the bond.

10 ~~3.~~ 4. For the purposes of this section, "return to custody"
11 means:

- 12 a. the return of the defendant to the appropriate
- 13 Oklahoma law enforcement agency by the bondsman,
- 14 b. an appearance of the defendant in open court in the
- 15 court where charged,
- 16 c. arrest or incarceration within this state of the
- 17 defendant by law enforcement personnel, or
- 18 d. arrest or incarceration of the defendant in any other
- 19 jurisdiction, provided the bondsman has requested that
- 20 a hold be placed on the defendant in the jurisdiction
- 21 wherein the forfeiture lies and has guaranteed
- 22 reasonable travel expenses for the return of the
- 23 defendant.

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~~Strike thru~~ language denotes deletion from present Statutes.

1 ~~4.~~ 5. In addition to the provisions set forth in paragraphs ~~2~~ 3
2 and ~~3~~ 4 of this subsection, the bond shall be exonerated by
3 operation of law in any case in which:

4 a. the bondsman has requested in writing of the sheriff's
5 department in the county where the forfeiture occurred
6 that the defendant be entered into the computerized
7 records of the National Crime Information Center, and
8 the request has not been honored within fourteen (14)
9 business days of the receipt of the written request by
10 the department, or

11 b. the defendant has been arrested outside of this state
12 and the court record shows the prosecuting attorney
13 has declined to proceed with extradition.

14 ~~5.~~ 6. The court may, in its discretion, vacate the order of
15 forfeiture and exonerate the bond where good cause has been shown
16 for:

17 a. the defendant's failure to appear, or

18 b. the bondsman's failure to return the defendant to
19 custody within ninety (90) days.

20 D. 1. If, within ninety (90) days from receipt of the order
21 and judgment of forfeiture from the court clerk, or mailing of the
22 notice if no receipt is made, the defendant is not returned to
23 custody, or the forfeiture has not been stayed, the bondsman and, if

1 applicable, the insurer whose risk it is shall deposit cash or other
2 valuable securities in the face amount of the bond with the court
3 clerk ninety-one (91) days from receipt of the order and judgment of
4 forfeiture from the court clerk, or mailing of the notice if no
5 receipt is made; provided, this provision shall not apply if the
6 defendant has been returned to custody within the ninety-day period
7 and the court has failed to vacate the forfeiture pursuant to
8 paragraphs ~~2~~ 3 through ~~5~~ 6 of subsection C of this section.

9 2. After the order and judgment has been paid, the bondsman
10 and, if applicable, the insurer whose risk it is shall have one year
11 from the date payment is due to return the defendant to custody as
12 defined by paragraph ~~3~~ 4 of subsection C of this section. In the
13 event the defendant is returned to custody and all expenses for the
14 defendant's return have been paid by the bondsman or insurer, the
15 bondsman's or insurer's property shall be returned; provided, the
16 request for remitter be made by motion filed within one year from
17 the date payment is due.

18 3. If the additional cash or securities are not deposited with
19 the court clerk on or before the ninety-first day after the date of
20 service of the order and judgment of forfeiture from the court
21 clerk, or mailing of the notice if no receipt is made, then the
22 court clerk shall notify the Insurance Commissioner by sending a
23 certified copy of the order and judgment of forfeiture and proof

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1 that the bondsman and, if applicable, the insurer have been notified
2 by mail with return receipt requested.

3 4. The Insurance Commissioner shall:

4 a. in the case of a surety bondsman, immediately cancel
5 the license privilege and authorization of the insurer
6 to do business within the State of Oklahoma and cancel
7 the appointment of all surety bondsman agents of the
8 insurer who are licensed by Section 1301 et seq. of
9 this title, and

10 b. in the case of a professional bondsman, withdraw the
11 face amount of the forfeiture from the deposit
12 provided in Section 1306 of this title. The
13 Commissioner shall then immediately direct the
14 professional bondsman, by mail with return receipt
15 requested, to make additional deposits to bring the
16 original deposit to the required level. Should the
17 professional bondsman, after being notified, fail to
18 make an additional deposit within ten (10) days from
19 the receipt of notice, or mailing of notice if no
20 receipt is made, the license shall be revoked and all
21 sums presently on deposit shall be held by the
22 Commissioner to secure the face amounts of bonds
23 outstanding. Upon release of the bonds, any amount of

1 deposit in excess of the bonds shall be returned to
2 the bondsman; provided, the bail bondsman shall have
3 had notice as required by the court, at the place of
4 the bondsman's business, of the trial or hearing of
5 the defendant named in the bond. The notice shall
6 have been at least ten (10) days before the required
7 appearance of the defendant, unless the appearance is
8 scheduled at the time of execution of the bond.

9 Notwithstanding the foregoing, the bondsman shall be
10 deemed to have had notice of the trial or hearing if
11 the defendant named in the bond shall have been
12 recognized back in open court to appear at a date
13 certain for the trial or hearing.

14 5. If the actions of any bail bondsman force the Insurance
15 Commissioner to withdraw monies, deposited pursuant to Section 1306
16 of this title, to pay past due executions more than two (2) times in
17 a consecutive twelve-month period, then the license of the
18 professional bondsman shall, in addition to other penalties, be
19 suspended automatically for one (1) year or until a deposit equal to
20 all outstanding forfeitures due is made. The deposit shall be
21 maintained until the Commissioner deems it feasible to reduce the
22 deposit. In no case shall an increased deposit exceed two (2) years
23 unless there is a recurrence of withdrawals as stated herein.

1 E. 1. If the defendant's failure to appear was the result of
2 the defendant's death or of being in the custody of a court other
3 than the court in which the appearance was scheduled, forfeiture
4 shall not lie. Upon proof to the court that the bondsman paid the
5 order and judgment of forfeiture without knowledge that the
6 defendant was deceased or in custody of another court on the day the
7 defendant was due to appear, and all expenses for the defendant's
8 return have been paid by the bondsman, the bondsman's property shall
9 be returned.

10 2. Where the defendant is in the custody of another court, the
11 district attorney or municipal attorney shall direct a hold order to
12 the official, judge, court or law enforcement agent wherein the
13 defendant is in custody; provided, that all expenses accrued as a
14 result of returning the custody of the defendant shall be borne by
15 the bondsman.

16 F. The district attorney or municipal attorney shall not
17 receive any bonuses or other monies or property for or by reason of
18 services or actions in connection with or collection of bond
19 forfeitures under the provisions of Section 1301 et seq. of this
20 title, except that the court may award a reasonable attorney fee in
21 favor of the prevailing party for legal services in any civil action
22 or proceeding to collect upon a judgment of forfeiture.

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1 G. The above procedures shall be subject to the bondsman's
2 rights of appeal. The bondsman or insurer may appeal an order and
3 judgment of forfeiture pursuant to the procedures for appeal set
4 forth in Section 951 et seq. of Title 12 of the Oklahoma Statutes.
5 To stay the execution of the order and judgment of forfeiture, the
6 bondsman or insurer shall comply with the provisions set forth in
7 Section 990.4 of Title 12 of the Oklahoma Statutes.

8 H. For municipal courts of record, the above procedures are
9 criminal in nature and ancillary to the criminal procedures before
10 the trial court and shall be subject to the bondsman's right of
11 appeal. The bondsman or insurer may appeal an order and judgment of
12 forfeiture by the municipal courts of record to the Court of
13 Criminal Appeals.

14 I. Upon a motion to the court, any person executing a bail bond
15 as principal or as surety shall be exonerated after three (3) years
16 have elapsed from the posting of the bond, unless a judgment has
17 been entered against the surety or the principal for the forfeiture
18 of the bond, or unless the court grants an extension of the three-
19 year time period for good cause shown, upon motion by the
20 prosecuting attorney.

21 SECTION 22. AMENDATORY 59 O.S. 2011, Section 1332.1, is
22 amended to read as follows:

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1 Section 1332.1 For the purpose of surrendering a defendant
2 after a breach of the undertaking, the following persons may return
3 the defendant to custody:

4 1. A bondsman or surety;

5 2. ~~An employee of~~ A licensed bail enforcer having a client
6 contract with a bondsman or surety pursuant to the Bail Enforcement
7 and Licensing Act; or

8 3. A peace officer acting within the peace officer's
9 jurisdiction.

10 SECTION 23. AMENDATORY 59 O.S. 2011, Section 1750.2A, is
11 amended to read as follows:

12 Section 1750.2A Any person violating or failing to comply with
13 the provisions of the Oklahoma Security Guard and Private
14 Investigator Act or the Bail Enforcement and Licensing Act may be
15 enjoined from such violations or required to comply with such
16 provisions by any district court of competent jurisdiction. The
17 Council on Law Enforcement Education and Training or the Attorney
18 General may apply for an order enjoining such violation or enforcing
19 compliance with ~~this act~~ law and rule. Upon the filing of a
20 verified petition with the court, the court, if satisfied by the
21 affidavit or otherwise that the person has violated ~~this act~~ any
22 provisions of the Oklahoma Security Guard and Private Investigator
23 Act or the Bail Enforcement and Licensing Act, may issue a temporary

1 injunction enjoining such continued violation. In case of violation
2 of any order or decree issued by court, the offender may be held in
3 contempt of court. Proceedings under this section shall be in
4 addition to all other remedies and penalties provided by law.

5 SECTION 24. AMENDATORY 59 O.S. 2011, Section 1750.5, is
6 amended to read as follows:

7 Section 1750.5 A. Licenses authorized to be issued by the
8 Council on Law Enforcement Education and Training (CLEET) shall be
9 as follows:

- 10 1. Security Agency License;
- 11 2. Investigative Agency License;
- 12 3. Private Investigator License (unarmed);
- 13 4. Security Guard License (unarmed);
- 14 5. Armed Security Guard License;
- 15 6. Special Event License (unarmed); ~~and~~
- 16 7. Armed Private Investigator License;
- 17 8. Bail Enforcer License;
- 18 9. Armed Bail Enforcer License; and
- 19 10. Bail Recovery Agency License.

20 B. Any qualified applicant meeting the requirements for more
21 than one of the positions of private investigator, security guard,
22 ~~or,~~ armed security guard, bail enforcer, or armed bail enforcer may
23 be issued a separate license for each position for which qualified,
24

1 or in the discretion of the Council, a combination license provided
2 the required license fees are paid.

3 C. 1. A private investigator may carry a firearm, if the
4 private investigator also performs the functions of an armed
5 security guard, under the authority of the armed security guard
6 license.

7 2. If the private investigator performs no functions of an
8 armed security guard, the Council may issue an armed private
9 investigator license. If a person has been issued an armed private
10 investigator license, the Council may issue an armed bail enforcer
11 license if the applicant is otherwise eligible and qualified. The
12 applicant for an armed private investigator license must complete
13 Phase I, III and IV training and pass the psychological examination
14 and state test; provided however, active certified peace officers
15 and retired certified peace officers shall be exempt from the
16 psychological examination as provided in Section 1750.3A of this
17 title, and active certified peace officers of any state, county or
18 municipal law enforcement agency in this state shall be exempt from
19 the Phase I, III and IV training and state test for an armed private
20 investigator. The Council will charge the same fee for the armed
21 private investigators license as the cost of the armed security
22 guard license; provided however, an active certified peace officer
23 who is an applicant for a an armed private investigator or armed

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 security guard license shall be charged only twenty percent (20%) of
2 the required fee.

3 3. Any person issued an armed private investigator license may
4 carry a concealed firearm when on and off duty, provided the person
5 keeps the firearm concealed from view and is in possession of a
6 valid driver license and a valid armed private investigator license.

7 4. Any person issued an armed bail enforcer license may carry a
8 concealed approved pistol, or may open-carry an approved pistol with
9 a visible bail enforcer badge affixed to the holster or belt
10 immediately next to the firearm while wearing clearly marked apparel
11 designating the person as a "Bail Enforcer" with his or her license
12 number clearly visible, when actively engaged in the recovery of a
13 defendant, subject to all rules for use and conduct of firearms
14 promulgated by the Council. An armed bail enforcer shall be
15 prohibited from carrying a firearm or wearing marked bail enforcer
16 apparel pursuant to the armed bail enforcer license when not
17 actively engaged in the recovery of a defendant.

18 D. Any identification card issued to a person meeting the
19 license requirements for an armed security guard ~~or~~, an armed
20 private investigator or armed bail enforcer shall be distinct and
21 shall explicitly state that the person is authorized to carry a
22 firearm pursuant to the provisions of the Oklahoma Security Guard
23 and Private Investigator Act or the Bail Enforcement and Licensing

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1 Act. Upon receipt of the license and identification card, the armed
2 security guard ~~or~~, armed private investigator or armed bail enforcer
3 is authorized to carry a firearm ~~in the performance of his or her~~
4 ~~duties~~ subject to the respective provisions of the Oklahoma Security
5 Guard and Private Investigator Act or the Bail Enforcement and
6 Licensing Act and the rules promulgated by the Council.

7 E. The Council may issue a conditional license to a person
8 employed by a security or investigative agency as a trainee for a
9 security guard, armed security guard, or private investigator
10 position, when the person has submitted a properly completed
11 application, made under oath, subject to the following conditions:

12 1. A conditional license shall authorize employees to perform
13 the same functions that regular licensees perform, but subject to
14 supervision by the employing agency as the Council may prescribe;

15 2. The holder of a conditional license shall complete the
16 necessary training requirements within one hundred eighty (180) days
17 from the effective date of the conditional license, after which the
18 conditional license shall expire;

19 3. The holder of a conditional license as an armed security
20 guard shall not carry a firearm in the performance of duties until
21 after completing a course of firearms training as prescribed by the
22 Council, and having been issued a regular license by the Council;

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UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 4. A conditional license may be renewed at the discretion of
2 the Council, if necessary to allow an applicant to complete any
3 training required for a regular license; ~~and~~

4 5. When the Council finds that a conditional license holder has
5 completed the required training and is otherwise qualified for a
6 license pursuant to the provisions of the Oklahoma Security Guard
7 and Private Investigator Act, the Council shall issue a regular
8 license; and

9 6. The Council shall be prohibited from issuing a conditional
10 license to a bail enforcer or bail recovery agency under the Bail
11 Enforcement and Licensing Act.

12 F. A Security Agency License may be issued to an individual,
13 corporation, or other legal entity meeting the following
14 qualifications:

15 1. If the license is to be issued in the name of a legal entity
16 other than a natural person, the applicant must furnish proof that
17 the entity is legally recognized, such as the issuance of a
18 corporate charter; and

19 2. The executive officer, manager, or other person in charge of
20 supervising security guards in the performance of their duties shall
21 be a licensed security guard.

1 G. An Investigative Agency License may be issued to an
2 individual, corporation, or other legal entity meeting the following
3 qualifications:

4 1. If the license is to be issued in the name of a legal entity
5 other than a natural person, the applicant must furnish proof that
6 the entity is legally recognized, such as the issuance of a
7 corporate charter;

8 2. Any person, otherwise qualified, may own a private
9 investigation agency; and

10 3. A self-employed private investigator who employs no other
11 investigators shall also be licensed as an investigative agency, but
12 shall only be required to be insured or bonded as a self-employed
13 private investigator.

14 H. A Security Guard License, Armed Security Guard License,
15 Private Investigator License, Armed Private Investigator License, or
16 combination thereof may be issued to an applicant meeting the
17 following qualifications. The applicant shall:

18 1. Be a citizen of the United States or an alien legally
19 residing in the United States;

20 2. Be at least eighteen (18) years of age, except that an
21 applicant for an Armed Security Guard License shall be at least
22 twenty-one (21) years of age;

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1 3. Have successfully completed training requirements for the
2 license applied for, as prescribed by the Council;

3 4. Be of good moral character;

4 5. Not have a record of a felony conviction;

5 6. Not have a record of conviction for larceny, theft, false
6 pretense, fraud, embezzlement, false personation of an officer, any
7 offense involving moral turpitude, any offense involving a minor as
8 a victim, any nonconsensual sex offense, any offense involving the
9 possession, use, distribution, or sale of a controlled dangerous
10 substance, any offense involving a firearm, or any other offense as
11 prescribed by the Council, as provided herein.

12 a. If any conviction which disqualifies an applicant
13 occurred more than five (5) years prior to the
14 application date and the Council is convinced the
15 offense constituted an isolated incident and the
16 applicant has been rehabilitated, the Council may, in
17 its discretion, waive the conviction disqualification
18 as provided for in this paragraph and issue an unarmed
19 security guard license or a private investigator
20 license, but shall not issue an armed guard license,
21 to the applicant if ~~the applicant is otherwise~~
22 ~~qualified, unless~~ the felony involved the use of a
23 firearm or was violent in nature.

1 b. If an Oklahoma State Bureau of Investigation records
2 check and a local records check reveal that there are
3 no felony convictions, criminal convictions involving
4 moral turpitude, or any other disqualifying
5 convictions as specified in the Oklahoma Security
6 Guard and Private Investigator Act or prescribed by
7 the Council, then the Council may conditionally issue
8 an armed security guard license pending completion of
9 the criminal history and background check.

10 c. Under oath, the applicant shall certify that he or she
11 has no disqualifying convictions as specified in the
12 Oklahoma Security Guard and Private Investigator Act
13 or by the Council.

14 d. The applicant shall further meet all other
15 qualifications.

16 e. If upon completion of the required background
17 investigation it is discovered that a disqualifying
18 conviction exists, the Council shall immediately
19 revoke the armed guard license of the applicant;

20 7. Make a statement that the applicant is not currently
21 undergoing treatment for a mental illness, condition, or disorder,
22 make a statement whether the applicant has ever been adjudicated
23 incompetent or committed to a mental institution, and make a
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1 statement regarding any history of illegal drug use or alcohol
2 abuse. Upon presentation by the Council on Law Enforcement
3 Education and Training of the name, gender, date of birth, and
4 address of the applicant to the Department of Mental Health and
5 Substance Abuse Services, the Department of Mental Health and
6 Substance Abuse Services shall notify the Council within ten (10)
7 days whether the computerized records of the Department indicate the
8 applicant has ever been involuntarily committed to an Oklahoma state
9 mental institution. For purposes of this subsection, "currently
10 undergoing treatment for a mental illness, condition, or disorder"
11 means the person has been diagnosed by a licensed physician or
12 psychologist, as being afflicted with a substantial disorder of
13 thought, mood, perception, psychological orientation, or memory that
14 significantly impairs judgment, behavior, capacity to recognize
15 reality, or ability to meet the ordinary demands of life and such
16 condition continues to exist; and

17 8. Make a statement regarding misdemeanor domestic violence
18 charges.

19 I. A special event license may be issued to an employee of a
20 security agency who is hired on a temporary basis as an unarmed
21 security guard for a particular event. An application for a special
22 event license shall be made by the agency employing the applicant.
23 The agency shall certify to the Council that the applicant meets the
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1 qualifications for security guards, pursuant to subsection H of this
2 section.

3 J. 1. All persons and agencies shall obtain and maintain
4 liability coverage in accordance with the following minimum
5 standards:

6 a. general liability insurance coverage for bodily
7 injury, personal injury, and property damage, with
8 endorsements for personal injury including false
9 arrest, libel, slander, and invasion of privacy, or

10 b. a surety bond that allows persons to recover for
11 actionable injuries, loss, or damage as a result of
12 the willful, or wrongful acts or omissions of the
13 principal and protects this state, its agents,
14 officers and employees from judgments against the
15 principal or insured licensee, and is further
16 conditioned upon the faithful and honest conduct of
17 the principal's business.

18 2. Liability coverages and bonds outlined in this section shall
19 be in the minimum amounts of One Hundred Thousand Dollars
20 (\$100,000.00) for agencies, Ten Thousand Dollars (\$10,000.00) for
21 armed security guards and armed private investigators, or
22 combination armed license; and Five Thousand Dollars (\$5,000.00) for
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1 unarmed security guards and self-employed unarmed private
2 investigators who employ no other investigators.

3 3. Security agencies and investigative agencies shall ensure
4 that all employees of these agencies have met the minimum liability
5 coverages as prescribed in this section.

6 4. Insurance policies and bonds issued pursuant to this section
7 shall not be modified or canceled unless ten (10) days' prior
8 written notice is given to the Council. All persons and agencies
9 insured or bonded pursuant to this section shall be insured or
10 bonded by an insurance carrier or a surety company licensed in the
11 state in which the insurance or bond was purchased, or in this
12 state.

13 5. In lieu of the requirements of this subsection, the Council
14 may accept a written statement from a corporation which is
15 registered with the Oklahoma Secretary of State attesting that the
16 corporation self-insures the general operation of business for the
17 types of liability set out in paragraphs 1 and 2 of this subsection.

18 K. Upon written notice, any license may be placed on inactive
19 status.

20 L. Similar or duplicate agency names will not be issued. Each
21 agency name must be distinguishably different.

22 SECTION 25. AMENDATORY 59 O.S. 2011, Section 1750.14, is
23 amended to read as follows:

24

1 Section 1750.14 A. Except as provided in subsection C of this
2 section, any person who is not a resident of this state who
3 apprehends in this state, or attempts to apprehend, a defendant, who
4 has failed to appear before any court of this state or another state
5 or any federal court as required by law and has forfeited bail,
6 shall be required to be accompanied at the time of the apprehension
7 by a peace officer or a person licensed in this state as a bail
8 ~~bondsman~~ enforcer pursuant to the Bail Enforcement and Licensing
9 Act.

10 B. Any person who violates the provisions of this section shall
11 be guilty of a ~~misdemeanor~~ violation of the Bail Enforcement and
12 Licensing Act and shall be punished as provided in Section 4 of this
13 act.

14 C. The provisions of this section shall not apply to law
15 enforcement officers of any jurisdiction.

16 SECTION 26. This act shall become effective November 1, 2012.

17
18 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 04/05/2012 -
19 DO PASS, As Amended.
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