

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 54th Legislature (2013)

4 ENGROSSED SENATE
5 BILL NO. 1013

 By: Shortey of the Senate

 and

 Joyner of the House

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9 [professions and occupations - Bail Enforcement and
10 Licensing Act - bail bondsmen - private
11 investigators, security guards, and CLEET -
12 nonresident bail enforcers - codification -
13 effective date]

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17 ~~BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:~~

18 SECTION 1. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 1350 of Title 59, unless there
20 is created a duplication in numbering, reads as follows:

21 This act shall be known and may be cited as the "Bail
22 Enforcement and Licensing Act".

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. "Armed bail enforcer" means a bail enforcer having a valid
6 license issued by the Council on Law Enforcement Education and
7 Training authorizing the holder to carry an approved pistol or
8 offensive weapon in the recovery of a defendant pursuant to the Bail
9 Enforcement and Licensing Act;

10 2. "Bail enforcer" means a person who acts, engages in,
11 solicits or offers services to:

12 a. execute a prior to breach recovery of a defendant on
13 an undertaking or bail bond contract, or

14 b. execute a recovery of a defendant for failure to
15 appear on an undertaking or bail bond contract issued
16 in this state, another state or the United States.

17 The term "bail enforcer" does not include any law enforcement
18 officer actively employed by a law enforcement agency recognized in
19 this state, or any of its political subdivisions, another state or
20 the United States, while such officer is engaged in the lawful
21 performance of duties authorized by his or her employing law
22 enforcement agency or a bondsman licensed in this state and acting
23 under the authority of his or her undertaking or bail contract;

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1 3. "Bail recovery agency" means any self-employed individual
2 who performs the services of a bail enforcer for a client, or a sole
3 proprietor, partnership, firm, corporation or other private legal
4 entity that employs or contracts with one or more individuals to
5 perform the services of a bail enforcer. Only a bail recovery
6 agency licensed by the Council may enter into a client contract to
7 perform the services of a bail enforcer. A bail recovery agency is
8 liable for its acts and omissions and those of its employees and
9 contractors while executing a recovery of a defendant pursuant to a
10 client contract;

11 4. "Client" means a bondsman or surety on an undertaking or
12 bail bond contract issued in this state, another state or the United
13 States that enters into a contract for the services of a bail
14 enforcer;

15 5. "Council" or "CLEET" means the Council on Law Enforcement
16 Education and Training;

17 6. "Defendant" means the principal on an undertaking or bail
18 bond contract;

19 7. "License" means authorization issued by the Council pursuant
20 to the Bail Enforcement and Licensing Act permitting the holder to
21 perform functions and services as a bail enforcer or bail recovery
22 agency;

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1 8. "Offensive weapon" means taser, stun gun, baton, night
2 stick, or toxic substances as defined in paragraph 10 of this
3 subsection;

4 9. "Recovery" or "surrender" means the presentation of a
5 defendant to the public officer competent to receive the defendant
6 into custody; and

7 10. "Toxic substance" means pepper spray or mace.

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

11 A. On and after March 1, 2014, no person shall act or engage
12 in, solicit or offer services, or represent himself or herself, as a
13 bail enforcer or bail recovery agency as defined by the Bail
14 Enforcement and Licensing Act without first having been issued a
15 valid license by the Council on Law Enforcement Education and
16 Training.

17 B. On or after March 1, 2014, any person who shall act or
18 engage in, solicit or offer services, or represent himself or
19 herself, as a bail enforcer or bail recovery agency without a valid
20 license issued by the Council shall be guilty of a felony, upon
21 conviction, punishable by a fine in an amount not exceeding Ten
22 Thousand Dollars (\$10,000.00), or by imprisonment in the custody of
23 the Department of Corrections for a term of not more than three (3)
24 years, or by both such fine and imprisonment.

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

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

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

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

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

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

8 B. It shall be unlawful for a bail enforcer or bail recovery
9 agency licensed in this state to assist, aid or conspire with an
10 unlicensed person, or a person whose license as a bail enforcer or
11 bail recovery agency or bail bondsman has been suspended, revoked,
12 surrendered or denied, to engage in any function or service as a
13 bail enforcer.

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

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

20 A. Notwithstanding any provision in Section 643 of Title 21 of
21 the Oklahoma Statutes, the use or attempt to use force by a bail
22 enforcer in the recovery of a defendant as defined in the Bail
23 Enforcement and Licensing Act is prohibited when unnecessarily
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1 committed or when the force is excessive or unreasonable in manner,
2 degree or duration.

3 B. Every bail enforcer shall be trained on the use of force
4 continuum and the rules for use of force promulgated for the Bail
5 Enforcement and Licensing Act.

6 C. No force shall be authorized which is more than sufficient
7 to temporarily restrain a defendant who has refused to obey a lawful
8 command to surrender to the bail enforcer. The duration and manner
9 of any force used by a bail enforcer shall be only that reasonably
10 necessary to surrender the defendant to the public officer competent
11 to receive such person into custody.

12 D. Any force used by a bail enforcer in self-defense while
13 recovering a defendant or to defend another from injury or threat of
14 injury while recovering a defendant shall be not more than
15 sufficient to prevent an offense.

16 E. Any force deemed by the district attorney to be
17 unnecessarily committed or excessive or unreasonable in manner,
18 degree or duration may be prosecuted as a crime committed without
19 justification or excusable cause under an existing provision of law.

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

23 Notwithstanding any other provision of law, it shall be unlawful
24 for a bail enforcer to break into and enter the dwelling house of

1 any defendant or third-party for purposes of recovery or attempted
2 recovery of a defendant either:

3 1. By forcibly bursting or breaking the wall, or an outer door,
4 window, or shutter of a window of such house or the lock or bolts of
5 such door, or the fastening of such window or shutter;

6 2. By breaking in any other manner, being armed with a
7 dangerous weapon or being assisted or aided by one or more persons
8 then actually present; or

9 3. By unlocking an outer door by means of false keys or by
10 picking the lock thereof, or by lifting a latch or opening a window.

11 A person violating the provisions of this section shall be
12 guilty of burglary in the first degree and, upon conviction,
13 punished as provided in Section 1436 of Title 21 of the Oklahoma
14 Statutes.

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

18 A. The Director of the Council on Law Enforcement Education and
19 Training, and any staff member designated by the Director, shall
20 have all the powers and authority of peace officers of this state
21 for the purposes of enforcing the provisions of the Bail Enforcement
22 and Licensing Act, and all other duties which are or may be
23 conferred upon the Council by the Bail Enforcement and Licensing
24 Act. The powers and duties conferred on the Director or any staff

1 member appointed by the Director as a peace officer shall not limit
2 the powers and duties of other peace officers of this state or any
3 political subdivision thereof. Nothing in the Bail Enforcement and
4 Licensing Act shall be construed to restrict the Director from
5 appointing the same staff members as peace officers to enforce both
6 the Oklahoma Security Guard and Private Investigator Act and the
7 Bail Enforcement and Licensing Act.

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

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

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

14 a. issuing, denying, or revoking certificates of approval
15 to bail enforcement training schools, and programs
16 administered by the state, a county, a municipality, a
17 private corporation, or an individual,

18 b. certifying instructors at approved bail enforcement
19 training schools,

20 c. establishing minimum requirements for bail enforcement
21 training schools and periodically reviewing these
22 standards, and

23 d. providing for periodic inspection of all bail
24 enforcement training schools or programs;

1 3. To establish minimum curriculum requirements for training as
2 the Council may require for bail enforcers, armed bail enforcers and
3 bail recovery agencies. Training requirements for unarmed bail
4 enforcers shall be not less than forty (40) hours of instruction
5 which shall be in addition to the Phase I, II, and III training
6 requirements. Training requirements for armed bail enforcers shall
7 be the same as for unarmed bail enforcers plus Phase IV firearm and
8 offensive weapons training;

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

- 12 a. establishing a designated minimum number of clock
13 hours of required attendance, not less than twenty-
14 four (24) clock hours during the licensing period, at
15 accredited educational functions,
- 16 b. establishing the penalties to be imposed upon a
17 licensee for failure to comply with the continuing
18 education requirements, and
- 19 c. providing that the expense of such continuing
20 education shall be paid by the licensee participating
21 therein;

22 5. To grant a waiver of any training requirement, except
23 firearms training and offensive weapons training which shall be
24 required for an armed bail enforcer license, unless the applicant

1 has completed at least one (1) year of full-time employment as an
2 armed security guard, armed private investigator, or CLEET-certified
3 law enforcement officer within the three-year period immediately
4 preceding the date of application and the applicant provides
5 sufficient documentation thereof as may be required by the Council;

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

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

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

17 9. To investigate alleged violations of the Bail Enforcement
18 and Licensing Act by persons not licensed in this state as bail
19 enforcers and to impose administrative sanctions pursuant to rule,
20 to seek injunctions pursuant to Section 1750.2A of Title 59 of the
21 Oklahoma Statutes, or seek criminal prosecution, or any and all of
22 the foregoing;

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1 10. To provide all forms for applications, identification
2 cards, and licenses required by the Bail Enforcement and Licensing
3 Act;

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

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

9 C. The Council shall use staff and resources established for
10 the Oklahoma Security Guard and Private Investigator Act to
11 implement, administer and enforce the Bail Enforcement and Licensing
12 Act and may additionally use funds available from the CLEET Bail
13 Enforcement Revolving Fund created pursuant to Section 21 of this
14 act for necessary financial support for the Bail Enforcement and
15 Licensing Act.

16 D. Nothing in the Bail Enforcement and Licensing Act or the
17 Oklahoma Security Guard and Private Investigator Act shall be
18 construed to prohibit the Council from authorizing approved training
19 schools or individuals to conduct combined education or training for
20 security guards, private investigators and bail enforcers, including
21 Phases I, II, III and IV training.

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

1 A. Each applicant for a bail enforcer license shall be
2 administered any current standard form of the Minnesota Multiphasic
3 Personality Inventory (MMPI), or other psychological evaluation
4 instrument approved by the Council on Law Enforcement Education and
5 Training, which shall be administered in conjunction with training
6 in Phase I required by the Bail Enforcement and Licensing Act. The
7 bail enforcer training school administering such instrument shall
8 forward the response data to a psychologist licensed by the State
9 Board of Examiners of Psychologists for evaluation. The licensed
10 psychologist shall be of the applicant's choice. It shall be the
11 responsibility of the applicant to bear the cost of the
12 psychological evaluation. No bail enforcer license shall be issued
13 unless the applicant meets the standards established by the Council
14 for psychological evaluation.

15 B. If the licensed psychologist is unable to certify the
16 applicant's psychological capability to exercise appropriate
17 judgment, restraint, and self-control, after evaluating the data,
18 the psychologist shall employ whatever other psychological measuring
19 instruments or techniques deemed necessary to form a professional
20 opinion. The use of any psychological measuring instruments or
21 techniques shall require a full and complete written explanation to
22 the Council.

23 C. The psychologist shall forward a written psychological
24 evaluation, on a form prescribed by the Council, to the Council

1 within fifteen (15) days of the evaluation, even if the applicant is
2 found to be psychologically at risk. The Council may utilize the
3 results of the psychological evaluation for up to six (6) months
4 from the date of the evaluation after which the applicant shall be
5 reexamined. No person who has been found psychologically at risk in
6 the exercise of appropriate judgment, restraint, or self-control
7 shall reapply for certification until one (1) year from the date of
8 being found psychologically at risk.

9 D. 1. Retired peace officers who have been certified by the
10 Council shall be exempt from the provisions of this section for a
11 period of one (1) year from retirement; provided there is no
12 evidence of an inability to exercise appropriate judgment,
13 restraint, and self-control during prior active duty as a law
14 enforcement officer and upon subsequent retirement.

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

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

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

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

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

11 3. Have a high school diploma or GED and have successfully
12 completed the training and psychological evaluation requirements for
13 the license applied for, as prescribed by the Council on Law
14 Enforcement Education and Training;

15 4. Be of good moral character;

16 5. Have no final victim protection orders issued in any state
17 as a defendant;

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

20 7. Have no record of conviction for assault or battery,
21 aggravated assault or battery, larceny, theft, false pretense,
22 fraud, embezzlement, false personation of an officer, any offense
23 involving moral turpitude, any offense involving a minor as a
24 victim, any nonconsensual sex offense, any offense involving the

1 possession, use, distribution, or sale of a controlled dangerous
2 substance, any offense of driving while intoxicated or driving under
3 the influence of intoxicating substance, any offense involving a
4 firearm, or any other offense as prescribed by the Council.

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

16 b. Under oath, the applicant shall certify that he or she
17 has no disqualifying convictions as specified in the
18 Bail Enforcement and Licensing Act or by rule of the
19 Council.

20 c. The applicant shall further meet all other
21 qualifications, including, but not limited to, the
22 requirement to provide CLEET and the Oklahoma State
23 Bureau of Investigation with individual fingerprints
24 for a state and national criminal history records

1 search and a current individual photograph with the
2 completed CLEET application for a bail enforcer
3 license.

4 d. If upon completion of the required background
5 investigation it is discovered that a disqualifying
6 conviction exists, the Council shall immediately
7 revoke or deny the bail enforcer license of the
8 applicant;

9 8. Make a statement that the applicant is not currently
10 undergoing treatment for a mental illness, condition, or disorder,
11 make a statement whether the applicant has ever been adjudicated
12 incompetent or committed to a mental institution, and make a
13 statement regarding any history of illegal drug use or alcohol
14 abuse. Upon presentation by the Council of the name, gender, date
15 of birth, and address of the applicant to the Department of Mental
16 Health and Substance Abuse Services, the Department of Mental Health
17 and Substance Abuse Services shall notify the Council within ten
18 (10) days whether the computerized records of the Department
19 indicate the applicant has ever been involuntarily committed to an
20 Oklahoma state mental institution. For purposes of this subsection,
21 "currently undergoing treatment for a mental illness, condition, or
22 disorder" means the person has been diagnosed by a licensed
23 physician or psychologist as being afflicted with a substantial
24 disorder of thought, mood, perception, psychological orientation, or

1 memory that significantly impairs judgment, behavior, capacity to
2 recognize reality, or ability to meet the ordinary demands of life
3 and such condition continues to exist;

4 9. Make a statement regarding any misdemeanor domestic violence
5 charges;

6 10. Provide proof of liability insurance or an individual bond
7 in a minimum amount established by the Bail Enforcement and
8 Licensing Act; and

9 11. Provide proof of a verifiable offer of employment by a
10 licensed bail recovery agency conditioned upon the issuance of a
11 valid bail enforcer license, or a statement of self-employment as a
12 sole proprietor bail recovery agency.

13 B. A bail recovery agency license may be issued to an
14 individual, partnership, firm, corporation, or other legal entity
15 meeting all the individual requirements for a bail enforcer and the
16 following:

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

21 2. Any person, otherwise qualified, may own a bail recovery
22 agency;

23 3. A self-employed bail enforcer who employs no other bail
24 enforcers must be licensed as a bail recovery agency;

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

6 5. Only a licensed bail recovery agency may accept a client
7 contract to perform the services of a bail enforcer;

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

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

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

23 7. A natural person seeking a bail recovery agency license
24 shall not have had his or her bail enforcer license denied,

1 suspended or revoked and shall not have had any investigative agency
2 license, or private investigator, security guard or bail bondsman
3 license, or law enforcement certification, denied, suspended or
4 revoked.

5 C. 1. All bail enforcers and bail recovery agencies shall
6 obtain and maintain either a liability insurance policy or a surety
7 bond that allows persons to recover for actionable injuries, loss,
8 or damage as a result of the willful, or wrongful acts or omissions
9 of the principal licensee and protects this state, its agents,
10 officers and employees from judgments against the principal
11 licensee, and is further conditioned upon the faithful and honest
12 conduct of the principal's business.

13 2. The liability insurance policy or surety bond required in
14 this subsection shall be in the minimum amount of Ten Thousand
15 Dollars (\$10,000.00).

16 3. A bail recovery agency shall ensure that all its employees
17 and contractors have met the minimum liability insurance or surety
18 bond requirements.

19 4. Liability insurance policies or bonds issued pursuant to
20 this subsection shall not be modified or canceled unless ten (10)
21 days' prior written notice is given to the Council. All persons and
22 agencies insured or bonded pursuant to this subsection shall be
23 insured by an insurance carrier or bonded by a surety company
24 licensed and authorized to do business in the state. Failure to

1 obtain and maintain sufficient liability insurance or bond as
2 provided in the Bail Enforcement and Licensing Act shall be grounds
3 for revocation of a license.

4 D. Upon written notice, any license may be placed on inactive
5 status.

6 E. Similar or duplicate bail recovery agency names will not be
7 issued. Each bail recovery agency name must be distinguishably
8 different.

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

12 A. 1. Application for a bail enforcer or bail recovery agency
13 license shall be made on forms provided by the Council on Law
14 Enforcement Education and Training and shall be submitted in writing
15 by the applicant under oath. The application shall require the
16 applicant to furnish information reasonably required by the Council
17 to implement the provisions of the Bail Enforcement and Licensing
18 Act, including classifiable fingerprints to enable the search of
19 criminal indices for evidence of a prior criminal record, including,
20 but not limited to, a national criminal history record check as
21 defined by Section 150.9 of Title 74 of the Oklahoma Statutes.

22 2. Upon request of the Council, the Oklahoma State Bureau of
23 Investigation and other state and local law enforcement agencies
24 shall furnish a copy of any existent criminal history data relating

1 to an applicant to enable the Council to determine the
2 qualifications and fitness of such applicant for a license.

3 B. 1. On and after March 1, 2014, the original application and
4 any license renewal shall be accompanied by a fee of:

5 a. Three Hundred Dollars (\$300.00) for an unarmed bail
6 enforcer license who has verifiable employment with a
7 licensed bail recovery agency,

8 b. Four Hundred Dollars (\$400.00) for an armed bail
9 enforcer license who has verifiable employment with a
10 bail recovery agency,

11 c. Five Hundred Dollars (\$500.00) for a self-employed
12 bail enforcer/bail recovery agency license, or

13 d. Six Hundred Dollars (\$600.00) for a bail recovery
14 agency license issued to a legal business entity that
15 employs or contracts with one or more licensed bail
16 enforcers.

17 If an individual or agency does not qualify for the type of
18 license or renewal license requested, the Council shall retain
19 twenty percent (20%) of the licensing fee as a processing fee and
20 refund the remaining amount to the individual or agency submitting
21 payment. The individual license fee paid by a licensed agency will
22 be refunded to the agency. In addition to the fees provided in this
23 subsection, the original application for a bail enforcer license
24 shall be accompanied by a nonrefundable fee for a national criminal

1 history record check with fingerprint analysis, as provided in
2 Section 150.9 of Title 74 of the Oklahoma Statutes.

3 2. A licensee whose license has been suspended may apply for
4 reinstatement of license after the term of the suspension has
5 passed, if otherwise qualified. Any application for reinstatement
6 following a suspension of licensure shall be accompanied by a
7 nonrefundable fee of:

- 8 a. One Hundred Dollars (\$100.00) for the reinstatement of
9 an unarmed bail enforcer license,
- 10 b. One Hundred Fifty Dollars (\$150.00) for an armed bail
11 enforcer license, and
- 12 c. Two Hundred Dollars (\$200.00) for a self-employed bail
13 enforcer/bail recovery agency or a bail recovery
14 agency license.

15 A revoked license shall not be reinstated.

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

21 4. The fees charged and collected, including portions of fees
22 retained as processing fees, pursuant to the provisions of this
23 section shall be deposited to the credit of the CLEET Bail
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1 Enforcement Revolving Fund created pursuant to Section 21 of this
2 act.

3 C. On and after March 1, 2014, a bail enforcer license or armed
4 bail enforcer license shall be valid for a period of three (3) years
5 and may be renewed for additional three-year terms. A bail recovery
6 agency license shall be valid for a period of three (3) years and
7 may be renewed for additional three-year terms.

8 D. The Council shall devise a system for issuance of licenses
9 for the purpose of evenly distributing the expiration dates of the
10 licenses.

11 E. Pursuant to rule, the Council may issue a duplicate license
12 to a person licensed pursuant to the provisions of the Bail
13 Enforcement and Licensing Act. On and after March 1, 2014, the
14 Council may assess a fee of Twenty-five Dollars (\$25.00) for the
15 issuance of a duplicate license. The fee shall accompany the
16 request for a duplicate license. All duplicate license fees shall
17 be deposited to the credit of the CLEET Bail Enforcement Revolving
18 Fund created pursuant to Section 21 of this act.

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

22 A. A bail enforcer license, armed bail enforcer license or bail
23 recovery agency license shall be subject to denial, suspension, or
24 revocation and/or disciplinary action or administrative fine by the

1 Council on Law Enforcement Education and Training subject to the
2 Administrative Procedures Act for, but not limited to, the following
3 reasons by clear and convincing evidence:

4 1. Any erroneous or false statement in an application for a
5 license submitted pursuant to the Bail Enforcement and Licensing Act
6 or rules promulgated pursuant thereto;

7 2. Failure to successfully complete any prescribed phase or
8 course of training as required by the Council;

9 3. Violation of any provision of the Bail Enforcement and
10 Licensing Act or any rule promulgated pursuant thereto;

11 4. A conviction for assault or battery, aggravated assault or
12 battery, larceny, theft, false pretense, fraud, embezzlement, false
13 personation of an officer, any offense involving moral turpitude,
14 any offense involving a minor as a victim, any nonconsensual sex
15 offense, any offense involving the possession, use, distribution, or
16 sale of a controlled dangerous substance, any offense of driving
17 while intoxicated or driving under the influence of intoxicating
18 substance, any offense involving a firearm, or any other offense as
19 proscribed by the Council;

20 5. Use of beverages containing alcohol while armed with a
21 firearm;

22 6. Knowingly impersonating a law enforcement officer;

23 7. Improper use of force pursuant to the Bail Enforcement and
24 Licensing Act;

1 8. Failure to carry and possess proper license, identification
2 or documents required by the Bail Enforcement and Licensing Act or
3 any rules promulgated pursuant thereto;

4 9. Improper apparel or vehicle as required pursuant to the Bail
5 Enforcement and Licensing Act;

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

8 11. Improper entry into a dwelling house, structure, property
9 or vehicle or improper detention of any person;

10 12. Employing, authorizing, or permitting an unlicensed person
11 to perform or engage in services as a bail enforcer; or

12 13. Permitting a person to perform or engage in services as a
13 bail enforcer knowing the person has committed any offense
14 prohibited by the Bail Enforcement and Licensing Act.

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

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

22 A. The words "police", "deputy", "detective", "officer",
23 "agent", or "investigator" shall not be displayed upon any bail
24 enforcer badge, uniform, or vehicle. It shall be unlawful for any

1 person to mark any vehicle, wear any apparel, or display any badge
2 or identification card bearing the words "Fugitive Agent", "Recovery
3 Agent", "Enforcement Officer", "Bounty Hunter", "Bail Agent", or
4 "Recovery Detective" or use any other words or phrases that imply
5 that such person is associated with law enforcement or a government
6 agency, as an agent, officer, deputy, detective or police. Any
7 violation shall be a violation of the Bail Enforcement and Licensing
8 Act which is punishable as provided in Section 3 of this act and in
9 addition the violator may be prosecuted for false impersonation of
10 an officer.

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

14 No person licensed as a bail enforcer or bail recovery agency
15 shall:

16 1. Invade the privacy of a defendant without lawful authority
17 or divulge any information gained by him or her in the course of
18 employment except as the employer or client may direct as permitted
19 by law, or as may be required by law to be disclosed;

20 2. Willfully make a false report to his or her employer or to a
21 client;

22 3. Attempt any location, recovery or surrender of a defendant
23 without having in his or her possession a written client contract;

24

1 4. Attempt any location, recovery or surrender of a defendant
2 without having in his or her possession a certified copy of the
3 undertaking or bail bond contract;

4 5. Mark or wear any apparel, badges, shields, ballistic vest or
5 helmet which would imply to the public that the person is a law
6 enforcement officer or represents a law enforcement or government
7 agency; provided, however, a ballistic vest may be worn concealed
8 under clothing;

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

13 7. Point, display or discharge a firearm or offensive weapon or
14 administer a toxic substance as defined by the Bail Enforcement and
15 Licensing Act in the recovery of a defendant without lawful
16 authority and training as provided by the rules promulgated by the
17 Council on Law Enforcement Education and Training;

18 8. Wear any uniform or use any title, insignia, badge or
19 identification card or make any statements that would lead a person
20 to believe that he or she is connected in any way with the federal
21 government, a state government, or any political subdivision of a
22 state government, or to permit an employee to do such prohibited
23 acts, unless lawfully authorized by proper authorities to do so;

24

1 9. Improperly enter into the dwelling house, structure,
2 property or vehicle of a defendant or third party;

3 10. Improperly use force against a defendant or third party;

4 11. Disobey any local ordinance, state or federal law,
5 including traffic laws, in attempting to locate, recover or
6 surrender a defendant;

7 12. Use a fictitious name in the recovery of a defendant;

8 13. Contract with any person or entity to receive money,
9 valuable consideration or notoriety, directly or indirectly, from
10 any source for the right to record, film or publish an actual
11 recovery of a defendant;

12 14. Use or modify any vehicle for purposes of bail enforcement
13 that resembles or bears markings or exterior equipment similar to
14 those markings or equipment of an authorized law enforcement agency
15 in this state, or any of its political subdivisions, or that bear
16 any fictitious name, emblems, stickers, seals or design that would
17 imply to the public that the vehicle is a law enforcement vehicle
18 from this state, another state, any political subdivision of a
19 state, the United States, or another country or territory; or

20 15. Disobey any rules promulgated for the Bail Enforcement and
21 Licensing Act.

22 A violation of any provision of this subsection shall be
23 punishable as provided in Section 3 of this act. In addition, the
24 Council may suspend or revoke the license of the bail enforcer or

1 bail recovery agency as provided by the rules promulgated pursuant
2 to the Bail Enforcement and Licensing Act.

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

6 The Council on Law Enforcement Education and Training or its
7 employees shall not disclose application information pertaining to
8 applicants or persons licensed pursuant to the Bail Enforcement and
9 Licensing Act, except:

- 10 1. To verify the current license status of an applicant or
11 licensee to the public;
- 12 2. As may be necessary to perform duties or comply with rules
13 or law pursuant to the Bail Enforcement and Licensing Act;
- 14 3. To a bona fide law enforcement agency or judicial authority,
15 upon request;
- 16 4. To an insurance company licensed in this state for purposes
17 of issuing a bond for licensure or for claims purposes;
- 18 5. To provide the published business name, address and phone
19 number, upon request by the public, of any licensed bail recovery
20 agency in the state; or
- 21 6. As required by court order.

22 SECTION 16. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 1350.15 of Title 59, unless
24 there is created a duplication in numbering, reads as follows:

1 A. Each bail enforcer licensed pursuant to the Bail Enforcer
2 and Licensing Act shall carry a valid driver license or state-issued
3 photo identification card and an identification card issued by the
4 Council on Law Enforcement Education and Training at all times while
5 performing the functions and services of a bail enforcer in this
6 state. Each bail recovery agency shall display in its primary
7 office in this state a valid license therefor issued by the Council.

8 B. 1. Each discharge of a firearm by any person during the
9 recovery or surrender of a defendant pursuant to the Bail
10 Enforcement and Licensing Act shall be immediately reported to the
11 law enforcement agency having jurisdiction where such firearm was
12 discharged.

13 2. Each discharge of a firearm, taser or stun gun, or the use
14 of an offensive weapon or any toxic substance as defined in the bail
15 Enforcement and Licensing Act shall be reported to the Council, and
16 if the bail enforcer is an employee of or contractor with a bail
17 recovery agency, it shall be reported to the bail recovery agency
18 who shall keep records of all such occurrences.

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

22 A. The words "Bail Enforcer", or such words used in conjunction
23 with the bail recovery agency's legal name, shall be displayed in
24 bold letters together with the person's valid state-issued license

1 number on any badge or uniform used by a bail enforcer in this
2 state.

3 B. Vehicles used by a bail enforcer or a bail recovery agency
4 pursuant to the Bail Enforcement and Licensing Act, if marked, must
5 bear the words "Bail Enforcer", or such words used in conjunction
6 with the agency's legal name, address and phone number in
7 conspicuous letters. No such vehicle shall be equipped with a
8 siren, a lamp with a red or blue lens, or an overhead light or
9 lights with red or blue lens.

10 C. Any violation of provisions of this section shall be
11 punishable as provided in Section 3 of this act. In addition, the
12 Council on Law Enforcement Education and Training may suspend or
13 revoke the license pursuant to the rules promulgated for such
14 prohibited conduct.

15 SECTION 18. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 1350.17 of Title 59, unless
17 there is created a duplication in numbering, reads as follows:

18 A. On and after March 1, 2014, private schools desiring to
19 conduct any or all phases of bail enforcement training shall submit
20 an application for a certificate of approval to the Council on Law
21 Enforcement Education and Training. The application shall be
22 accompanied by a fee of Three Hundred Dollars (\$300.00). The
23 certificate shall be renewed annually by July 1. The renewal fee
24 shall be Three Hundred Dollars (\$300.00). If the school does not

1 qualify for a certificate or renewal certificate, the Council shall
2 retain twenty percent (20%) of the fee as a processing fee and
3 refund the balance to the school. The processing fee shall be
4 credited and deposited in the CLEET Bail Enforcement Revolving Fund
5 created pursuant to Section 21 of this act.

6 B. A listing of qualified and certified bail enforcement
7 training schools shall be available from the Council. Any certified
8 school may conduct continuing education courses on subjects approved
9 by the Council.

10 SECTION 19. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 1350.18 of Title 59, unless
12 there is created a duplication in numbering, reads as follows:

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

19 B. The Council shall approve the standards and curriculum for
20 approved training schools on training and use of tasers, stun guns
21 and other approved offensive weapons and the administration of toxic
22 substances as defined in the Bail Enforcement and Licensing Act. No
23 bail enforcer shall be permitted to carry an offensive weapon or
24 administer toxic substances in the recovery of a defendant without

1 successful completion of the training requirement established by the
2 Council for bail enforcers.

3 SECTION 20. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1350.19 of Title 59, unless
5 there is created a duplication in numbering, reads as follows:

6 Every bail enforcer who holds a valid license in this state
7 shall have access to the jails of this state for the purpose of
8 surrendering persons recovered pursuant to the Bail Enforcement and
9 Licensing Act, and the rules adopted by the Council on Law
10 Enforcement Education and Training.

11 SECTION 21. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 1350.20 of Title 59, unless
13 there is created a duplication in numbering, reads as follows:

14 There is hereby created in the State Treasury a revolving fund
15 for the Council on Law Enforcement Education and Training to be
16 designated the "CLEET Bail Enforcement Revolving Fund". The fund
17 shall be a continuing fund, not subject to fiscal year limitations,
18 and shall consist of all application fees, license fees, renewal
19 fees, late fees, administrative fines, and other funds assessed or
20 collected pursuant to the Bail Enforcement and Licensing Act. All
21 monies accruing to the credit of the fund are hereby appropriated
22 and may be budgeted and expended by the Council for the
23 implementation, administration and enforcement of the Bail
24 Enforcement and Licensing Act. Expenditures from the fund shall be

1 made upon warrants issued by the State Treasurer against claims
2 filed as prescribed by law with the Director of the Office of State
3 Finance for approval and payment.

4 SECTION 22. AMENDATORY 59 O.S. 2011, Section 1303, is
5 amended to read as follows:

6 Section 1303. A. No person shall act in the capacity of a bail
7 bondsman or perform any of the functions, duties or powers
8 prescribed for bail bondsmen under the provisions of ~~the act~~ Section
9 1301 et seq. of this title, unless that person shall be qualified
10 and licensed as provided in Section 1301 et seq. of this act; title
11 or as authorized pursuant to the Bail Enforcement and Licensing Act.

12 Provided, however, ~~that~~ none of the provisions or terms of this
13 section shall prohibit any individual or individuals from ~~(1)~~
14 pledging:

15 1. Pledging real or other property as security for a bail bond
16 for himself, herself or another in judicial proceedings who does not
17 receive, or is not promised, a fee or charge for his or her services
18 provided such person shall not be permitted to make in excess of ten
19 bonds per year; or, ~~(2) executing~~

20 2. Executing any bail bond for an insurer, pursuant to a bail
21 bond service agreement entered into between such insurer and any
22 automobile club or association, financing institution, insurance
23 company or other organization or association, on behalf of a person
24

1 required to furnish bail in connection with any violation of law
2 arising out of the use of a motor vehicle.

3 B. No license shall be issued except in compliance with Section
4 1301 et seq. of this ~~act~~ title and none shall be issued except to an
5 individual. License renewals shall be granted subject to all other
6 provisions of Section 1301 et seq. of this ~~act~~ title.

7 A corporation as such shall not be licensed. Nothing herein
8 contained shall be construed as repealing Section 11 of Title 5 of
9 the Oklahoma Statutes; and it is further provided that licensed
10 attorneys are prohibited from signing any bonds as surety in any
11 civil or criminal action pending or about to be filed in any court
12 of this state.

13 SECTION 23. AMENDATORY 59 O.S. 2011, Section 1327, is
14 amended to read as follows:

15 Section 1327. A. At any time before there has been a breach of
16 the undertaking in any type of bail provided herein, the surety or
17 bondsman or a licensed bail enforcer pursuant to a client contract
18 authorized by the Bail Enforcement and Licensing Act may surrender
19 the defendant, or the defendant may surrender himself or herself, to
20 the official to whose custody the defendant was committed at the
21 time bail was taken, or to the official into whose custody the
22 defendant would have been given had he or she been committed. The
23 defendant may be surrendered without the return of premium for the
24 bond if he or she has been guilty of nonpayment of premium, changes

1 address without notifying his or her bondsman, conceals himself or
2 herself, leaves the jurisdiction of the court without the permission
3 of his or her bondsman, or violates his or her contract with the
4 bondsman in any way that does harm to the bondsman, or the surety,
5 or violates his or her obligation to the court. When a bondsman or
6 surety, or a licensed bail enforcer, surrenders a defendant pursuant
7 to this subsection, the bondsman or surety shall file written
8 notification of the surrender. After surrender, and upon filing of
9 written notification of the surrender, the bond shall be exonerated
10 and the clerk shall enter a minute in the case exonerating the bond.

11 B. If the defendant has been placed in custody of another
12 jurisdiction, the district attorney shall direct a hold order to the
13 official, judge or law enforcement agency where the defendant is in
14 custody. All reasonable expenses accrued in returning the defendant
15 to the original court shall be borne by the bondsman who posted the
16 bond with that court. Upon application, the bond in the original
17 court shall be exonerated when the hold order is placed and upon
18 proof of payment of expenses by the bondsman.

19 C. If the defendant has been arrested on new charges and is in
20 the custody of the same jurisdiction in which the bondsman or surety
21 has posted an appearance bond or bonds for the defendant, and the
22 bond or bonds have not been exonerated, and certified copies of
23 bonds are not reasonably available, the bondsman or surety may
24 recommit the defendant to be held in custody on the charges for

1 which the bondsman or surety has previously posted appearance bonds
2 thereon, in accordance with the following 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 defendant is presently in the custody of the
8 jurisdiction in which the bondsman or surety has
9 posted a bond or bonds,

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

11 c. that the bond or bonds have not been exonerated, and

12 d. 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 held, and the official shall detain the defendant
16 in his or her custody, thereon, as upon a commitment, and by a
17 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 court, and after such notification, the
21 bond or bonds shall be exonerated, and the clerk shall enter a
22 minute in the case exonerating the bond or bonds.

23 D. When a defendant does appear before the court as required by
24 law and enters a plea of guilty or nolo contendere, is sentenced or

1 a deferred sentence is granted as provided for in Section 991c of
2 Title 22 of the Oklahoma Statutes, in such event the undertaking and
3 bondsman and insurer shall be exonerated from further liability.

4 SECTION 24. AMENDATORY 59 O.S. 2011, Section 1328, is
5 amended to read as follows:

6 Section 1328. The ~~person~~ bondsman or surety, or a licensed bail
7 enforcer pursuant to a client contract authorized by the Bail
8 Enforcement and Licensing Act, desiring to make a surrender of the
9 defendant shall procure or have in his or her possession a certified
10 copy of the undertakings and deliver ~~them~~ such documents together
11 with the defendant to the official in whose custody the defendant
12 was at the time bail was taken, or to the official into whose
13 custody he or she would have been given had he or she been
14 committed, who shall detain the defendant in ~~his or her~~ custody
15 thereon, as upon a commitment, and by a certificate in writing
16 acknowledge the surrender.

17 Upon the presentation of a certified copy of the undertaking and
18 the certificate of the official, the court before which the
19 defendant has been held to answer, or the court in which the
20 preliminary examination, indictment, information or appeal, ~~as the~~
21 ~~case may be~~ is pending, shall, ~~upon~~ upon notice of three (3) days given
22 by the person making the surrender to the prosecuting officer of the
23 court having jurisdiction of the offense, together with a copy of
24 the undertakings and certificate, order that the obligors be

1 exonerated from liability on their undertakings; and, if money has
2 been deposited as bail, that such money or bonds be refunded. If
3 property pledged, a certificate of exoneration be issued and the
4 lien previously filed be released and the undertakings of whatever
5 nature be canceled.

6 If certified copies of bonds are not reasonably available, the
7 bondsman or surety may recommit the defendant to be held in custody
8 on the charges for which the bondsman or surety has previously
9 posted appearance bonds thereon in accordance with the following
10 procedure:

11 1. On a Recommitment of Defendant by Bondsman form approved by
12 the Administrative Office of the Courts, the bondsman or surety
13 shall personally affix his or her signature to an affidavit
14 attesting to the following:

- 15 a. the bondsman or surety has posted a bond or bonds for
16 the defendant and is hereby presented to the official
17 in whose custody the defendant was at the time bail
18 was taken,
19 b. the case number, if any, assigned to each bond, and
20 c. the specific charges and bond amount or amounts;

21 2. The bondsman or surety shall present the Recommitment of
22 Defendant by Bondsman form to the official in whose custody the
23 defendant is being surrendered, and the official shall detain the
24

1 defendant in his or her custody thereon, as upon a commitment, and
2 by a certificate in writing acknowledging the surrender; and

3 3. When a bondsman or surety recommits a defendant pursuant to
4 this subsection, the bondsman or surety shall file a written
5 notification thereof to the courts, and after such notification, the
6 bond or bonds shall be exonerated and the clerk shall enter a minute
7 in the case exonerating the bond or bonds.

8 SECTION 25. AMENDATORY 59 O.S. 2011, Section 1329, is
9 amended to read as follows:

10 Section 1329. For the purpose of surrendering the defendant,
11 ~~the:~~

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

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

17 3. The bondsman or surety, by contract with a licensed bail
18 recovery agency pursuant to the Bail Enforcement and Licensing Act
19 which contract has attached a certified copy of the undertaking, may
20 authorize the bail recovery agency to recover and surrender the
21 person.

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

1 SECTION 26. AMENDATORY 59 O.S. 2011, Section 1332, is
2 amended to read as follows:

3 Section 1332. A. If there is a breach of an undertaking, the
4 court before which the cause is pending shall issue an arrest
5 warrant for the defendant and declare the undertaking and any money,
6 property, or securities that have been deposited as bail, forfeited
7 on the day the defendant failed to appear. In the event of the
8 forfeiture of a bail bond the clerk of the trial court shall, within
9 thirty (30) days after the forfeiture, by mail with return receipt
10 requested, mail a true and correct copy of the order and judgment of
11 forfeiture to the bondsman, and if applicable, the insurer, whose
12 risk it is, and keep at least one copy of the order and judgment of
13 forfeiture on file; provided, the clerk shall not be required to
14 mail the order and judgment of forfeiture to the bondsman or insurer
15 if, within fifteen (15) days from the date of forfeiture, the
16 defendant is returned to custody, the bond is reinstated by the
17 court with the bondsman's approval, or the order of forfeiture is
18 vacated or set aside by the court. Failure of the clerk of the
19 trial court to comply with the thirty-day notice provision in this
20 subsection shall exonerate the bond by operation of law.

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

23 C. 1. The bail bondsman shall have ninety (90) days from
24 receipt of the order and judgment of forfeiture from the court clerk

1 or mailing of the notice if no receipt is made, to return the
2 defendant to custody.

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

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

14 ~~3.~~ 4. For the purposes of this section, "return to custody"
15 means:

- 16 a. the return of the defendant to the appropriate
17 Oklahoma law enforcement agency by the bondsman,
18 b. an appearance of the defendant in open court in the
19 court where charged,
20 c. arrest or incarceration within this state of the
21 defendant by law enforcement personnel, or
22 d. arrest or incarceration of the defendant in any other
23 jurisdiction, provided the bondsman has requested that
24 a hold be placed on the defendant in the jurisdiction

1 wherein the forfeiture lies and has guaranteed
2 reasonable travel expenses for the return of the
3 defendant.

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

- 7 a. the bondsman has requested in writing of the sheriff's
8 department in the county where the forfeiture occurred
9 that the defendant be entered into the computerized
10 records of the National Crime Information Center, and
11 the request has not been honored within fourteen (14)
12 business days of the receipt of the written request by
13 the department, or
14 b. the defendant has been arrested outside of this state
15 and the court record shows the prosecuting attorney
16 has declined to proceed with extradition.

17 ~~5.~~ 6. The court may, in its discretion, vacate the order of
18 forfeiture and exonerate the bond where good cause has been shown
19 for:

- 20 a. the defendant's failure to appear, or
21 b. the bondsman's failure to return the defendant to
22 custody within ninety (90) days.

23 D. 1. If, within ninety (90) days from receipt of the order
24 and judgment of forfeiture from the court clerk, or mailing of the

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

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

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

1 certified copy of the order and judgment of forfeiture and proof
2 that the bondsman and, if applicable, the insurer have been notified
3 by mail with return receipt requested.

4 4. The Insurance Commissioner shall:

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

11 b. in the case of a professional bondsman, withdraw the
12 face amount of the forfeiture from the deposit
13 provided in Section 1306 of this title. The
14 Commissioner shall then immediately direct the
15 professional bondsman, by mail with return receipt
16 requested, to make additional deposits to bring the
17 original deposit to the required level. Should the
18 professional bondsman, after being notified, fail to
19 make an additional deposit within ten (10) days from
20 the receipt of notice, or mailing of notice if no
21 receipt is made, the license shall be revoked and all
22 sums presently on deposit shall be held by the
23 Commissioner to secure the face amounts of bonds
24 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.

23 G. The above procedures shall be subject to the bondsman's
24 rights of appeal. The bondsman or insurer may appeal an order and

1 judgment of forfeiture pursuant to the procedures for appeal set
2 forth in Section 951 et seq. of Title 12 of the Oklahoma Statutes.
3 To stay the execution of the order and judgment of forfeiture, the
4 bondsman or insurer shall comply with the provisions set forth in
5 Section 990.4 of Title 12 of the Oklahoma Statutes.

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

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

19 SECTION 27. AMENDATORY 59 O.S. 2011, Section 1332.1, is
20 amended to read as follows:

21 Section 1332.1 For the purpose of surrendering a defendant
22 after a breach of the undertaking, the following persons may return
23 the defendant to custody:

24 1. A bondsman or surety;

1 2. ~~An employee of~~ A licensed bail enforcer having authority
2 under a client contract with a bondsman or surety pursuant to the
3 Bail Enforcement and Licensing Act; or

4 3. A peace officer acting within the peace officer's
5 jurisdiction.

6 SECTION 28. AMENDATORY 59 O.S. 2011, Section 1750.2A, is
7 amended to read as follows:

8 Section 1750.2A Any person violating or failing to comply with
9 the provisions of the Oklahoma Security Guard and Private
10 Investigator Act or the Bail Enforcement and Licensing Act may be
11 enjoined from such violations or required to comply with such
12 provisions by any district court of competent jurisdiction. The
13 Council on Law Enforcement Education and Training or the Attorney
14 General may apply for an order enjoining such violation or enforcing
15 compliance with ~~this act~~ law and rule. Upon the filing of a
16 verified petition with the court, the court, if satisfied by the
17 affidavit or otherwise that the person has violated ~~this act~~ any
18 provisions of the Oklahoma Security Guard and Private Investigator
19 Act or the Bail Enforcement and Licensing Act, may issue a temporary
20 injunction enjoining such continued violation. In case of violation
21 of any order or decree issued by court, the offender may be held in
22 contempt of court. Proceedings under this section shall be in
23 addition to all other remedies and penalties provided by law.

1 SECTION 29. AMENDATORY 59 O.S. 2011, Section 1750.5, is
2 amended to read as follows:

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

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

16 B. Any qualified applicant meeting the requirements for more
17 than one of the positions of private investigator, security guard,
18 ~~or~~, armed security guard, bail enforcer, or armed bail enforcer may
19 be issued a separate license for each position for which qualified,
20 or in the discretion of the Council, a combination license provided
21 the required license fees are paid.

22 C. 1. A private investigator may carry a firearm, if the
23 private investigator also performs the functions of an armed
24

1 security guard, under the authority of the armed security guard
2 license.

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

22 3. Any person issued an armed private investigator license may
23 carry a concealed firearm when on and off duty, provided the person
24

1 keeps the firearm concealed from view and is in possession of a
2 valid driver license and a valid armed private investigator license.

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

14 D. Any identification card issued to a person meeting the
15 license requirements for an armed security guard ~~or~~, an armed
16 private investigator or armed bail enforcer shall be distinct and
17 shall explicitly state that the person is authorized to carry a
18 firearm pursuant to the provisions of the Oklahoma Security Guard
19 and Private Investigator Act or the Bail Enforcement and Licensing
20 Act. Upon receipt of the license and identification card, the armed
21 security guard ~~or~~, armed private investigator or armed bail enforcer
22 is authorized to carry a firearm ~~in the performance of his or her~~
23 ~~duties~~ subject to the respective provisions of the Oklahoma Security
24

1 Guard and Private Investigator Act or the Bail Enforcement and
2 Licensing Act and the rules promulgated by the Council.

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

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

11 2. The holder of a conditional license shall complete the
12 necessary training requirements within one hundred eighty (180) days
13 from the effective date of the conditional license, after which the
14 conditional license shall expire;

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

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

22 5. When the Council finds that a conditional license holder has
23 completed the required training and is otherwise qualified for a
24 license pursuant to the provisions of the Oklahoma Security Guard

1 and Private Investigator Act, the Council shall issue a regular
2 license; and

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

6 F. A Security Agency License may be issued to an individual,
7 corporation, or other legal entity meeting the following
8 qualifications:

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

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

16 G. An Investigative Agency License may be issued to an
17 individual, corporation, or other legal entity meeting the following
18 qualifications:

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

23 2. Any person, otherwise qualified, may own a private
24 investigation agency; and

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

5 H. A Security Guard License, Armed Security Guard License,
6 Private Investigator License, Armed Private Investigator License, or
7 combination thereof may be issued to an applicant meeting the
8 following qualifications. The applicant shall:

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

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

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

16 4. Be of good moral character;

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

18 6. Not have a record of conviction for larceny, theft, false
19 pretense, fraud, embezzlement, false personation of an officer, any
20 offense involving moral turpitude, any offense involving a minor as
21 a victim, any nonconsensual sex offense, any offense involving the
22 possession, use, distribution, or sale of a controlled dangerous
23 substance, any offense involving a firearm, or any other offense as
24 prescribed by the Council, as provided herein.

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

13 b. If an Oklahoma State Bureau of Investigation records
14 check and a local records check reveal that there are
15 no felony convictions, criminal convictions involving
16 moral turpitude, or any other disqualifying
17 convictions as specified in the Oklahoma Security
18 Guard and Private Investigator Act or prescribed by
19 the Council, then the Council may conditionally issue
20 an armed security guard license pending completion of
21 the criminal history and background check.

22 c. Under oath, the applicant shall certify that he or she
23 has no disqualifying convictions as specified in the
24

1 Oklahoma Security Guard and Private Investigator Act
2 or by the Council.

3 d. The applicant shall further meet all other
4 qualifications.

5 e. If upon completion of the required background
6 investigation it is discovered that a disqualifying
7 conviction exists, the Council shall immediately
8 revoke the armed guard license of the applicant;

9 7. Make a statement that the applicant is not currently
10 undergoing treatment for a mental illness, condition, or disorder,
11 make a statement whether the applicant has ever been adjudicated
12 incompetent or committed to a mental institution, and make a
13 statement regarding any history of illegal drug use or alcohol
14 abuse. Upon presentation by the Council on Law Enforcement
15 Education and Training of the name, gender, date of birth, and
16 address of the applicant to the Department of Mental Health and
17 Substance Abuse Services, the Department of Mental Health and
18 Substance Abuse Services shall notify the Council within ten (10)
19 days whether the computerized records of the Department indicate the
20 applicant has ever been involuntarily committed to an Oklahoma state
21 mental institution. For purposes of this subsection, "currently
22 undergoing treatment for a mental illness, condition, or disorder"
23 means the person has been diagnosed by a licensed physician or
24 psychologist, as being afflicted with a substantial disorder of

1 thought, mood, perception, psychological orientation, or memory that
2 significantly impairs judgment, behavior, capacity to recognize
3 reality, or ability to meet the ordinary demands of life and such
4 condition continues to exist; and

5 8. Make a statement regarding misdemeanor domestic violence
6 charges.

7 I. A special event license may be issued to an employee of a
8 security agency who is hired on a temporary basis as an unarmed
9 security guard for a particular event. An application for a special
10 event license shall be made by the agency employing the applicant.
11 The agency shall certify to the Council that the applicant meets the
12 qualifications for security guards, pursuant to subsection H of this
13 section.

14 J. 1. All persons and agencies shall obtain and maintain
15 liability coverage in accordance with the following minimum
16 standards:

17 a. general liability insurance coverage for bodily
18 injury, personal injury, and property damage, with
19 endorsements for personal injury including false
20 arrest, libel, slander, and invasion of privacy, or

21 b. a surety bond that allows persons to recover for
22 actionable injuries, loss, or damage as a result of
23 the willful, or wrongful acts or omissions of the
24 principal and protects this state, its agents,

1 officers and employees from judgments against the
2 principal or insured licensee, and is further
3 conditioned upon the faithful and honest conduct of
4 the principal's business.

5 2. Liability coverages and bonds outlined in this section shall
6 be in the minimum amounts of One Hundred Thousand Dollars
7 (\$100,000.00) for agencies, Ten Thousand Dollars (\$10,000.00) for
8 armed security guards and armed private investigators, or
9 combination armed license; and Five Thousand Dollars (\$5,000.00) for
10 unarmed security guards and self-employed unarmed private
11 investigators who employ no other investigators.

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

15 4. Insurance policies and bonds issued pursuant to this section
16 shall not be modified or canceled unless ten (10) days' prior
17 written notice is given to the Council. All persons and agencies
18 insured or bonded pursuant to this section shall be insured or
19 bonded by an insurance carrier or a surety company licensed in the
20 state in which the insurance or bond was purchased, or in this
21 state.

22 5. In lieu of the requirements of this subsection, the Council
23 may accept a written statement from a corporation which is
24 registered with the Oklahoma Secretary of State attesting that the

1 corporation self-insures the general operation of business for the
2 types of liability set out in paragraphs 1 and 2 of this subsection.

3 K. Upon written notice, any license may be placed on inactive
4 status.

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

7 SECTION 30. AMENDATORY 59 O.S. 2011, Section 1750.14, is
8 amended to read as follows:

9 Section 1750.14 A. Except as provided in subsection C of this
10 section, any person who is not a resident of this state who
11 ~~apprehends~~ intends to apprehend in this state, or attempts to
12 apprehend, a defendant, who has failed to appear before any court of
13 this state or another state or any federal court as required by law
14 and has forfeited bail or for purposes of apprehending a defendant
15 prior to breach of an undertaking or bail contract, shall be
16 required to have a client contract with a bail recovery agency
17 licensed in this state or to be licensed as a self-employed bail
18 enforcer in this state prior to such apprehension or to be
19 accompanied at the time of the apprehension by a peace officer ~~or a~~
20 ~~person licensed in this state as a bail bondsman.~~

21 B. Any person who violates the provisions of this section shall
22 be guilty of a ~~misdemeanor~~ violation of the Bail Enforcement and
23 Licensing Act and shall be punished as provided in Section 3 of this
24 act.

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

3 SECTION 31. This act shall become effective September 1, 2013.
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5 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 04/03/2013 - DO
6 PASS, As Amended.
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