

1 ENGROSSED SENATE
2 BILL NO. 857

By: Bullard of the Senate

3 and

4 Strom of the House

5
6 An Act relating to the Bail Enforcement and Licensing
7 Act; amending 59 O.S. 2021, Section 1350.1, which
8 relates to definitions; modifying allowable carry;
9 and providing an effective date.

10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

11 SECTION 1. AMENDATORY 59 O.S. 2021, Section 1350.1, is
12 amended to read as follows:

13 Section 1350.1. As used in the Bail Enforcement and Licensing
14 Act:

15 1. "Armed bail enforcer" means a bail enforcer having a valid
16 license issued by the Council on Law Enforcement Education and
17 Training authorizing the holder to carry an approved ~~pistol~~ firearm
18 or weapon in the recovery of a defendant pursuant to the Bail
19 Enforcement and Licensing Act;

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

22 a. execute a prior to breach recovery of a defendant on
23 an undertaking or bail bond contract, or
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1 b. execute a recovery of a defendant for failure to
2 appear on an undertaking or bail bond contract issued
3 in this state, another state or the United States.

4 The term "bail enforcer" does not include any law enforcement
5 officer actively employed by a law enforcement agency recognized in
6 this state, or any of its political subdivisions, another state or
7 the United States, while such officer is engaged in the lawful
8 performance of duties authorized by his or her employing law
9 enforcement agency, a bondsman licensed in this state and acting
10 under the authority of his or her undertaking or bail contract or a
11 licensed bondsman appointed by an insurer in this state with regard
12 to a defendant on a bond posted by that insurer;

13 3. "Bail recovery contract" or "client contract" means an
14 agreement to perform the services of a bail enforcer for a client.
15 Only a bail enforcer licensed by the Council may enter into a client
16 contract to perform the services of a bail enforcer. A bail
17 enforcer is liable for his or her acts and omissions while executing
18 a recovery of a defendant pursuant to a client contract;

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

23 5. "Council" or "CLEET" means the Council on Law Enforcement
24 Education and Training;

1 6. "Defendant" means the principal on an undertaking or bail
2 bond contract;

3 7. "License" means authorization issued by the Council pursuant
4 to the Bail Enforcement and Licensing Act permitting the holder to
5 perform functions and services as a bail enforcer;

6 8. "Weapon" means taser, stun gun, baton, night stick or any
7 other device used to subdue a defendant, or any noxious substances
8 as defined in paragraph 10 of this subsection;

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

12 10. "Noxious substance" means OC spray, pepper spray, mace or
13 any substance used as a physiological irritant.

14 SECTION 2. This act shall become effective November 1, 2023.

15 Passed the Senate the 8th day of March, 2023.

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Presiding Officer of the Senate

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19 Passed the House of Representatives the ____ day of _____,

20 2023.

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Presiding Officer of the House
of Representatives

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