

# An Act

ENROLLED SENATE  
BILL NO. 857

By: Bullard of the Senate

and

Strom of the House

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

SUBJECT: Bail Enforcement and Licensing Act

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 2. This act shall become effective November 1, 2024.

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

\_\_\_\_\_  
Presiding Officer of the Senate

Passed the House of Representatives the 18th day of April, 2024.

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Presiding Officer of the House  
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_