1	HOUSE OF REPRESENTATIVES - FLOOR VERSION
2	STATE OF OKLAHOMA
3	1st Session of the 59th Legislature (2023)
4	ENGROSSED SENATE
5	BILL NO. 857 By: Bullard of the Senate
6	and
7	Strom of the House
8	
9	An Act relating to the Bail Enforcement and Licensing
10	Act; amending 59 O.S. 2021, Section 1350.1, which relates to definitions; modifying allowable carry;
11	and providing an effective date.
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13	BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:
14	SECTION 1. AMENDATORY 59 O.S. 2021, Section 1350.1, is
15	amended to read as follows:
16	Section 1350.1. As used in the Bail Enforcement and Licensing
17	Act:
18	1. "Armed bail enforcer" means a bail enforcer having a valid
19	license issued by the Council on Law Enforcement Education and
20	Training authorizing the holder to carry an approved pistol firearm
21	or weapon in the recovery of a defendant pursuant to the Bail
22	Enforcement and Licensing Act;
23	2. "Bail enforcer" means a person who acts, engages in,
24	solicits or offers services to:

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- 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

5 in this state, another state or the United States. The term "bail enforcer" does not include any law enforcement 6 officer actively employed by a law enforcement agency recognized in 7 this state, or any of its political subdivisions, another state or 8 9 the United States, while such officer is engaged in the lawful 10 performance of duties authorized by his or her employing law enforcement agency, a bondsman licensed in this state and acting 11 12 under the authority of his or her undertaking or bail contract or a 13 licensed bondsman appointed by an insurer in this state with regard to a defendant on a bond posted by that insurer; 14

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;

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

3 6. "Defendant" means the principal on an undertaking or bail4 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
9 other device used to subdue a defendant, or any noxious substances
10 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

14 10. "Noxious substance" means OC spray, pepper spray, mace or 15 any substance used as a physiological irritant.

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

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18 COMMITTEE REPORT BY: COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS, dated 04/05/2023 - DO PASS.

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