

1 **SENATE FLOOR VERSION**

2 March 2, 2023

3 SENATE BILL NO. 857

By: Bullard of the Senate

4 and

5 Strom of the House

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

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

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

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

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

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

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

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

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

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

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

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

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

8           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;

11           9. "Recovery" or "surrender" means the presentation of a  
12 defendant to the public officer competent to receive the defendant  
13 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.

17 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY  
18 March 2, 2023 - DO PASS

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