

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 SENATE BILL 857

By: Bullard

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5  
6 AS INTRODUCED

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

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

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

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

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

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

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

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.

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16           59-1-1285           BG           1/19/2023 9:45:22 PM