

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2294

By: Pfeiffer

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5
6 AS INTRODUCED

7 An Act relating to professions and occupations;
8 amending 59 O.S. 2021, Section 1350.1, which relates
9 to the Bail Enforcement and Licensing Act; clarifying
scope of definition; adding definition; and providing
an effective date.

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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, long
20 gun, 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. "Long gun" means a shotgun or rifle with a barrel length of
9 at least eighteen (18) inches designed or intended to be fired when
10 braced against the shoulder;

11 9. "Weapon" means taser, stun gun, baton, night stick or any
12 other device used to subdue a defendant, or any noxious substances
13 as defined in paragraph ~~10~~ 11 of this subsection;

14 ~~9.~~ 10. "Recovery" or "surrender" means the presentation of a
15 defendant to the public officer competent to receive the defendant
16 into custody; and

17 ~~10.~~ 11. "Noxious substance" means OC spray, pepper spray, mace
18 or any substance used as a physiological irritant.

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

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21 59-1-6954 GRS 12/21/22

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