

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 2686

By: Toure

AS INTRODUCED

An Act relating to criminal procedure; enacting the Bail Fugitive Apprehension Act; providing short title; defining terms; prohibiting certain conduct regarding apprehension of bail fugitives; scheduling offense; requiring certain conduct by persons apprehending bail fugitives; providing penalty for violation of requirements; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1110.1 of Title 22, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Bail Fugitive Apprehension Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1110.2 of Title 22, unless there is created a duplication in numbering, reads as follows:

When used in the Bail Fugitive Apprehension Act:

1. "Bail fugitive" means a defendant in a pending criminal case who has been released from custody under a financially secured

appearance bond and has had such bond declared forfeit or who has violated a bond condition whereby apprehension and reincarceration are permitted;

2. "Bail licensee" means a retail seller of criminal court appearance bonds who is duly authorized to operate in such capacity in this state; and

3. "Person" means an individual, partnership, corporation or any other legally recognized business association.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1110.3 of Title 22, unless there is created a duplication in numbering, reads as follows:

When authorizing apprehension of bail fugitives:

1. No person shall represent himself or herself to be a bail enforcement agent, bounty hunter or other similar title in this state;

2. No person, other than a certified law enforcement officer, shall be authorized to apprehend, detain or arrest a principal on a bond, wherever issued, unless that person is a fully qualified bail licensee in this or another state; and

3. Any person who violates any provision of this section commits a felony punishable as a Schedule F crime.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1110.4 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. When apprehending bail fugitives, a bail licensee shall:

1. Comply with all laws applicable to such apprehension;

2. Operate solely on his own and in his own interest except when contracted by another bail licensee to apprehend a particular bail fugitive and in such instance he shall be acting exclusively on the behalf of the contracting bail licensee;

3. Have in his possession proper documentation of authority to apprehend prior to apprehension;

4. Not represent himself in any manner as being a police officer or public official of any type. No apparel or equipment such as a badge shall be used that could mislead anyone to believe that the bail licensee is a public official. Paramilitary dress and masks are prohibited;

5. Notify local law enforcement of his intent to apprehend a bail fugitive prior to taking any action;

6. Request local law enforcement help and make an arrest personally only if a local, state or federal law enforcement agent cannot or will not make the arrest;

7. Not forcibly enter a building or structure unless identification of the bail fugitive has been made and entry has been refused; and

8. Not carry a firearm unless properly licensed to do so, and no firearm will be drawn or discharged unless the bail licensee has good reason to believe that a licensee or a member of the public is in imminent physical danger.

B. Any violation of this section shall be a misdemeanor and punishable by a fine of up to Five Thousand Dollars (\$5,000.00).

SECTION 5. This act shall become effective November 1, 1998.

46-2-8280

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