

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE BILL 445

By: Smith

AS INTRODUCED

An Act relating to the Oklahoma Security Guard and Private Investigator Act; amending 59 O.S. 1991, Section 1750.2, as last amended by Section 4, Chapter 68, O.S.L. 1999 (59 O.S. Supp. 2000, Section 1750.2), which relates to definitions; modifying definition of private investigator; prohibiting certain persons from conducting bail enforcement duties; requiring person arresting principal on bond to have certain qualifications; requiring persons entering this state from another state to perform bail enforcement to have certain qualifications; prohibiting bail bondsman from using unlicensed person to perform certain functions; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 1991, Section 1750.2, as last amended by Section 4, Chapter 68, O.S.L. 1999 (59 O.S. Supp. 2000, Section 1750.2), is amended to read as follows:

Section 1750.2 As used in the Oklahoma Security Guard and Private Investigator Act, Section 1750.1 et seq. of this title:

1. "Client" means any person or legal entity having a contract with a person or entity licensed pursuant to Section 1750.1 et seq. of this title, which contract authorizes services to be performed in return for financial or other considerations;

2. "Council" means the Council on Law Enforcement Education and Training;

3. "License" means authorization issued by the Council pursuant to this act permitting the holder to perform the functions of a security guard, armed security guard, private investigator, investigative agency, or security agency;

4. "Private investigator" means a person who is self-employed, or contracts with, or is employed by an investigative agency for the purpose of conducting a private investigation and reporting the results to the employer or client of the employer relating to:

- a. potential or pending litigation, civil, or criminal,
- b. divorce or other domestic investigations, ~~or~~
- c. missing persons or missing property, ~~or~~
- d. bail enforcement, or

e. other lawful investigations, but shall not include:

- (1) a person authorized or employed by the United States Government, any state government, or any agency, department, or political subdivision thereof while engaged in the performance of official duties,
- (2) a person or employee of a firm, corporation or other legal entity engaged exclusively in a profession licensed by any board, commission, department or court of this state, or
- (3) a bona fide, salaried, full-time employee of a firm, corporation or other legal entity not in the primary business of soliciting and providing private investigations, who conducts investigations that are exclusive to and incidental to the primary business of said firm, corporation or entity, and when the costs of such investigations are not charged directly back to the particular client or customer who directly benefits from the investigation;

5. "Security agency" means a person, firm, corporation, or other private legal entity in the business of security guard services or armed security guards for hire;

6. "Security guard" means an individual contracting with or employed by a security agency, private business or person to prevent trespass, theft, misappropriation, wrongful concealment of merchandise, goods, money or other tangible items, or engaged as a bodyguard or as a private watchman to protect persons or property, but shall not include:

- a. for individuals operating unarmed, any person employed as a private watchman or security guard by one employer only in connection with the affairs of such employer where there exists an employer-employee relationship,
- b. a full-time certified peace officer of the United States, this state, or any political subdivision of either,
 - (1) while such peace officer is engaged in the performance of his or her official duties within the course and scope of his or her employment with the United States, this state, or any political subdivision of either, or
 - (2) while such peace officer is engaged in the performance of his or her duties as a railroad police officer, or
 - (3) who receives compensation for private employment on an individual or an individual independent contractual basis as a patrolman, guard, or watchman if such person is employed in an employer-employee relationship or is employed on an individual contractual basis,
- c. any person whose terms of employment as a security guard are governed by a collective bargaining agreement on May 9, 1989, and

d. any person who is employed as a full-time security guard by a financial institution on May 9, 1989;

7. "Armed security guard" means a security guard authorized to carry a firearm;

8. "Investigative agency" means a self-employed private investigator, a firm, a corporation, or other private legal entity in the business of soliciting the business of private investigation and/or providing private investigations and investigators;

9. "Special event" means a public activity in the form of an athletic contest, charity event, exposition or similar event that occurs only on an annual or noncontinuing basis; and

10. "Special event license" means a temporary license issued pursuant to Section 1750.1 et seq. of this title which restricts the license holder to employment as a security guard only for the duration of a particular event.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1750.15 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. A person shall not be represented to be or perform the functions or duties of a bail enforcement agent, bounty hunter or similar title unless that person is qualified and licensed as a private investigator to perform bail enforcement by the Council on Law Enforcement Education and Training (CLEET).

B. A person, other than a certified law enforcement officer, shall not be authorized to apprehend, detain, or arrest a principal on a bond, wherever issued, unless that person is qualified and licensed by CLEET to perform bail enforcement or licensed as a bail bondsman or bail bond agent by the state where the bond was written.

C. A person shall not enter this state from another state or country and be represented as or perform the functions, duties, or powers of a bail enforcement agent, bounty hunter, or similar title unless that person is qualified and licensed by CLEET to perform

bail enforcement or is licensed as a bail bondsman or bail bond agent by the state where the bond was written.

D. Any licensed bail bondsman, bail bond agent, temporary bail bond agent, managing general agent, or other person engaged in the bail bond business in the State of Oklahoma, or licensed bail bondsman or bail bond agent from a state where the bond was written who permits, hires, retains, appoints, solicits or engages any person not qualified and licensed by CLEET to perform bail enforcement or to perform any of the functions, duties, or powers of a bail bondsman, bail bond agent, or temporary bail bond agent as prescribed by the Oklahoma Insurance Commissioner, shall be deemed to be in violation of state law.

SECTION 3. This act shall become effective November 1, 2001.

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