

ENROLLED SENATE
BILL NO. 1419

By: Smith of the Senate

and

Erwin of the House

An Act relating to bail bondsman; amending 59 O.S. 2001, Section 1316, which relates to signing of bonds and registration of license and fee; modifying certain fees; authorizing distribution of certain fees; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 59 O.S. 2001, Section 1316, is amended to read as follows:

Section 1316. A. 1. A bail bondsman shall ~~not~~ neither sign nor countersign in blank any bond, nor shall ~~he~~ the bondsman give a power of attorney to, or otherwise authorize, anyone to countersign his or her name to bonds unless the person so authorized is a licensed surety bondsman or managing general agent directly employed by a licensed professional bondsman giving such power of attorney. The professional bondsman shall submit to the Commissioner the agreement between the professional bondsman and the employed bondsman. The professional bondsman shall notify the Commissioner whenever any agreement is canceled.

2. Bail bondsmen shall not allow other licensed bondsmen to present bonds that have previously been signed and completed by other licensed bondsmen unless a written authorization is on file with the court clerk where the bond is filed. The individual that presents the bond shall sign the form in the presence of the official that receives the bond.

B. Premium charged must be indicated on the appearance bond prior to the filing of the bond.

C. A bail bondsman shall provide the indemnitors with a proper receipt which shall include fees, premium or other payments and copies of any agreements executed relating to the appearance bond.

D. All surety bondsmen or managing general agents shall attach a completed power of attorney to the appearance bond that is filed with the court clerk on each bond written.

E. Any bond written in this state shall contain the name and last-known mailing address of the bondsman and, if applicable, of the insurer.

F. The court clerk shall charge a fee of ~~Ten Dollars (\$10.00)~~ Thirty-five Dollars (\$35.00) for the initial filing of any bond, which fee shall be assessed as a court cost to the defendant. The court clerk shall remit on a monthly basis Twenty-five Dollars (\$25.00) of every thirty-five-dollar fee to the Sheriff's Jail Fund or to a special revenue fund of the entity operating the jail.

SECTION 2. This act shall become effective July 1, 2004.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 27th day of May, 2004.

Presiding Officer of the Senate

Passed the House of Representatives the 28th day of May, 2004.

Presiding Officer of the House
of Representatives

