

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 1872

By: Shortey of the Senate

and

Faught of the House

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8 COMMITTEE SUBSTITUTE

9 [bail enforcers - creating the Bail Enforcement and
10 Licensing Act - license - codification -
11 effective date]

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

16 SECTION 1. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 1350 of Title 59, unless there
18 is created a duplication in numbering, reads as follows:

19 This act shall be known and may be cited as the "Bail
20 Enforcement and Licensing Act".

21 SECTION 2. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 1350.1 of Title 59, unless there
23 is created a duplication in numbering, reads as follows:

24 As used in the Bail Enforcement and Licensing Act:

1 1. "Client" means any person or legal entity entering into a
2 contract with a person which contract authorizes the services of a
3 bail enforcer;

4 2. "Council" means the Council on Law Enforcement Education and
5 Training (CLEET);

6 3. "License" means authorization issued by the Council pursuant
7 to the Bail Enforcement and Licensing Act permitting the holder to
8 perform functions and services as a bail enforcer or bail recovery
9 agency;

10 4. "Bail enforcer" means any person who acts, solicits or
11 offers services, or who for a client engages, to:

12 a. execute a pre-breach recovery of a defendant on bail
13 or bond as allowed by law,

14 b. execute a recovery of a defendant based upon a warrant
15 issued by a court of competent jurisdiction in this
16 state, another state or the United States, for failure
17 to appear on bail or bond,

18 c. execute a recovery of a person on behalf of a client
19 who is a person entitled to legal custody or control
20 of such person, or

21 d. execute a recovery of a person sought in connection
22 with a criminal offense as allowed by law.

23 The term "bail enforcer" does not include any law enforcement
24 officer actively employed by a law enforcement agency recognized in

1 this state, or any of its political subdivisions, another state or
2 the United States, while such officer is engaged in the lawful
3 performance of duties authorized by his or her employing law
4 enforcement agency or a bail bondsman licensed in this state acting
5 within the scope of authority provided in Sections 1301 et seq. of
6 Title 59 of the Oklahoma Statutes;

7 5. "Armed bail enforcer" means a bail enforcer having a valid
8 license issued by the Council authorizing the holder to carry an
9 approved pistol or offensive weapon in the recovery of a defendant
10 pursuant to the Bail Enforcement and Licensing Act and any rules
11 promulgated pursuant thereto;

12 6. "Offensive weapon" means taser, stun gun, baton, night
13 stick, or toxic substance;

14 7. "Toxic substance" means pepper spray or mace;

15 8. "Bail recovery agency" means any sole proprietor, firm,
16 corporation, or other private legal entity that functions as a bail
17 enforcer or employs or contracts with one or more persons to
18 function as bail enforcers for a client, or that solicits or offers
19 services as a bail enforcer;

20 9. "Defendant" means the principal on bail or bond or a person
21 named in a lawfully issued warrant for a criminal offense; and

22 10. "Recovery" or "surrender" means the return of a defendant
23 to the appropriate law enforcement agency's custody or control, or
24 securing the appearance of a defendant in open court where the

1 defendant is charged, or the return of a person other than a
2 defendant to an individual having lawful custody or control over
3 such person.

4 SECTION 3. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 1350.2 of Title 59, unless there
6 is created a duplication in numbering, reads as follows:

7 A. Any person who is prohibited from being licensed as a bail
8 bondsman as stated in subsection A of Section 1315 of Title 59 of
9 the Oklahoma Statutes shall be prohibited from being licensed as a
10 bail enforcer or bail recovery agency pursuant to the Bail
11 Enforcement and Licensing Act. In addition, a district attorney, or
12 any employee of an office of a district attorney, or any employee of
13 the Department of Corrections shall be prohibited from being
14 licensed as a bail enforcer or bail recovery agency.

15 B. Nothing in the Bail Enforcement and Licensing Act shall be
16 construed to prohibit a bail bondsman, private investigator or
17 security guard licensed in this state from being dual-licensed
18 pursuant to the Bail Enforcement and Licensing Act.

19 SECTION 4. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 1350.3 of Title 59, unless there
21 is created a duplication in numbering, reads as follows:

22 A. On and after July 1, 2013, no person shall act or assist,
23 solicit or offer services, be employed, or represent himself or
24 herself, as a bail enforcer or bail recovery agency as defined by

1 the Bail Enforcement and Licensing Act without first having been
2 issued a license by the Council on Law Enforcement Education and
3 Training.

4 B. On or after July 1, 2013, any person who shall act or
5 assist, solicit or offer services, be employed, or represent himself
6 or herself, as a bail enforcer or bail recovery agency without a
7 valid license issued by the Council on Law Enforcement Education and
8 Training shall be guilty of a felony, upon conviction, punishable by
9 a fine in an amount not exceeding Ten Thousand Dollars (\$10,000.00),
10 or by imprisonment in the custody of the Department of Corrections
11 for a term of not more than three (3) years, or by both such fine
12 and imprisonment.

13 C. Any person violating the provisions of subsection B of this
14 section while carrying or having in his or her possession or control
15 any firearm or offensive weapon, including a firearm under the
16 authority of the Oklahoma Self-Defense Act or a professional license
17 or certification, shall be punished, upon conviction, by an
18 additional fine in an amount not exceeding Five Thousand Dollars
19 (\$5,000.00), or by an additional term of imprisonment up to three
20 (3) years, or by both such fine and imprisonment. In addition, the
21 authority to carry the firearm may be permanently revoked.

22 SECTION 5. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 1350.4 of Title 59, unless there
24 is created a duplication in numbering, reads as follows:

1 A. It shall be unlawful for any person whose license as a bail
2 enforcer or bail recovery agency has been suspended, revoked,
3 surrendered or denied to perform, or assist in the performance of,
4 any function or service as a bail enforcer or bail recovery agency.

5 B. It shall be unlawful for a bail enforcer or bail recovery
6 agency licensed in this state to assist, aid or conspire with an
7 unlicensed person, or a person whose license as a bail enforcer,
8 bail bondsman or bail recovery agency has been suspended, revoked,
9 surrendered or denied, to engage in any function or service as a
10 bail enforcer.

11 C. Any violation of this section shall be a violation of the
12 Bail Enforcement and Licensing Act which is punishable as provided
13 in Section 4 of this act.

14 SECTION 6. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 1350.5 of Title 59, unless there
16 is created a duplication in numbering, reads as follows:

17 A. The Director of the Council on Law Enforcement Education and
18 Training, and any staff member designated by the Director, shall
19 have all the powers and authority of peace officers of this state
20 for the purposes of enforcing the provisions of the Bail Enforcement
21 and Licensing Act, and all other duties which are or may be
22 conferred upon the Council by the Bail Enforcement and Licensing
23 Act. The powers and duties conferred on the Director or any staff
24 member appointed by the Director as a peace officer shall not limit

1 the powers and duties of other peace officers of this state or any
2 political subdivision thereof. Nothing in the Bail Enforcement and
3 Licensing Act shall be construed to restrict the Director from
4 appointing the same staff members as peace officers to enforce both
5 the Oklahoma Security Guard and Private Investigator Act and the
6 Bail Enforcement and Licensing Act.

7 B. The Council shall have the following powers and duties:

8 1. To promulgate rules and forms to implement, enforce and
9 carry out the purposes of the Bail Enforcement and Licensing Act;

10 2. To establish and enforce standards governing the training of
11 persons required to be licensed pursuant to the Bail Enforcement and
12 Licensing Act with respect to:

13 a. issuing, denying, or revoking certificates of approval
14 to bail enforcement training schools, and programs
15 administered by the state, a county, a municipality, a
16 private corporation, or an individual,

17 b. certifying instructors at approved bail enforcement
18 training schools,

19 c. establishing minimum requirements for bail enforcement
20 training schools and periodically reviewing these
21 standards, and

22 d. providing for periodic inspection of all bail
23 enforcement training schools or programs;

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1 3. To establish minimum curriculum requirements for training as
2 the Council may require for bail enforcers, armed bail enforcers,
3 and bail recovery agencies. Training requirements for unarmed bail
4 enforcers shall be not less than forty (40) hours of instruction
5 which shall be in addition to the Phase I, II, and III training
6 requirements. Training requirements for armed bail enforcer shall
7 be the same as for unarmed bail enforcers plus Phase IV firearm and
8 offensive weapons training;

9 4. To establish minimum requirements for a mandatory continuing
10 education program for all licensed bail enforcers and bail recovery
11 agencies which shall include, but not be limited to:

- 12 a. establishing a designated minimum number of clock
13 hours of required attendance, not less than twenty-
14 four (24) clock hours during the licensing period, at
15 accredited educational functions,
- 16 b. establishing the penalties to be imposed upon a
17 licensee for failure to comply with the continuing
18 education requirements, and
- 19 c. providing that the expense of such continuing
20 education shall be paid by the licensee participating
21 therein;

22 5. To grant a waiver of any training requirement, except
23 firearms training which shall be required for an armed bail enforcer
24 license, unless the applicant has completed at least one (1) year of

1 full-time employment as an armed security guard, armed private
2 investigator, or CLEET-certified law enforcement officer within the
3 three-year period immediately preceding the date of application and
4 the applicant provides sufficient documentation thereof as may be
5 required by the Council;

6 6. To grant an applicant credit for fulfilling any prescribed
7 course or courses of training, including firearms training, upon
8 submission of acceptable documentation of comparable training. The
9 Council may grant or refuse any such credit at its discretion;

10 7. To issue the licenses and identification cards provided for
11 in the Bail Enforcement and Licensing Act;

12 8. To investigate alleged violations of the Bail Enforcement
13 and Licensing Act, or rules promulgated pursuant thereto, and to
14 deny, suspend, or revoke licenses and identification cards if
15 necessary, or to issue notices of reprimand to licensees with or
16 without probation under the rules promulgated by the Council;

17 9. To investigate alleged violations of the Bail Enforcement
18 and Licensing Act by persons not licensed in this state and to
19 impose administrative sanctions pursuant to rule, to seek an
20 injunction pursuant to Section 1750.2A of Title 59 of the Oklahoma
21 Statutes, or seek criminal prosecution, or any and all of the
22 foregoing;

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1 10. To provide all forms for applications, identification
2 cards, and licenses required by the Bail Enforcement and Licensing
3 Act;

4 11. To immediately suspend a license if a licensee's actions
5 present a danger to the licensee or to the public; and

6 12. To require additional testing for continuation or
7 reinstatement of a license if a licensee exhibits an inability to
8 exercise reasonable judgment, skill, or safety.

9 C. The Council shall use staff and resources established for
10 the Oklahoma Security Guard and Private Investigator Act to
11 implement, administer and enforce the Bail Enforcement and Licensing
12 Act and may additionally use funds available from the CLEET Bail
13 Enforcer Revolving Fund for necessary financial support for the Bail
14 Enforcement and Licensing Act.

15 D. Nothing in the Bail Enforcement and Licensing Act or the
16 Oklahoma Security Guard and Private Investigator Act shall be
17 construed to prohibit the Council from authorizing approved training
18 schools or individuals to conduct combined education or training for
19 security guards, private investigators and bail enforcers, including
20 Phases I, II, III and IV training.

21 SECTION 7. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 1350.6 of Title 59, unless there
23 is created a duplication in numbering, reads as follows:

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1 A. Each applicant for a bail enforcer license shall be
2 administered any current standard form of the Minnesota Multiphasic
3 Personality Inventory (MMPI), or other psychological evaluation
4 instrument approved by the Council on Law Enforcement Education and
5 Training, which shall be administered in conjunction with training
6 in Phase I required by the Bail Enforcement and Licensing Act. The
7 bail enforcer training school administering such instrument shall
8 forward the response data to a psychologist licensed by the State
9 Board of Examiners of Psychologists for evaluation. The licensed
10 psychologist shall be of the applicant's choice. It shall be the
11 responsibility of the applicant to bear the cost of the
12 psychological evaluation. No bail enforcer license shall be issued
13 unless the applicant meets the standards established by the Council
14 for psychological evaluation.

15 B. If the licensed psychologist is unable to certify the
16 applicant's psychological capability to exercise appropriate
17 judgment, restraint, and self-control, after evaluating the data,
18 the psychologist shall employ whatever other psychological measuring
19 instruments or techniques deemed necessary to form a professional
20 opinion. The use of any psychological measuring instruments or
21 techniques shall require a full and complete written explanation to
22 the Council on Law Enforcement Education and Training.

23 C. The psychologist shall forward a written psychological
24 evaluation, on a form prescribed by the Council, to the Council

1 within fifteen (15) days of the evaluation, even if the applicant is
2 found to be psychologically at risk. The Council may utilize the
3 results of the psychological evaluation for up to six (6) months
4 from the date of the evaluation after which the applicant shall be
5 reexamined. No person who has been found psychologically at risk in
6 the exercise of appropriate judgment, restraint, or self-control
7 shall reapply for certification until one (1) year from the date of
8 being found psychologically at risk.

9 D. 1. Retired peace officers who have been certified by the
10 Council on Law Enforcement Education and Training shall be exempt
11 from the provisions of this section for a period of one (1) year
12 from retirement; provided there is no evidence of an inability to
13 exercise appropriate judgment, restraint, and self-control during
14 active duty as a law enforcement officer or upon subsequent
15 retirement.

16 2. Retired peace officers who are not exempt from this section
17 and who have previously undergone treatment for a mental illness,
18 condition, or disorder which required medication or supervision, as
19 defined by paragraph 7 of Section 1290.10 of Title 21 of the
20 Oklahoma Statutes, may not apply for a bail enforcer license except
21 upon presentation of a certified statement from a licensed physician
22 stating that the person is no longer disabled by any mental or
23 psychiatric illness, condition, or disorder.

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1 SECTION 8. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1350.7 of Title 59, unless there
3 is created a duplication in numbering, reads as follows:

4 A. A bail enforcer license, an armed bail enforcer license, or
5 a bail recovery agency license may be issued to an applicant meeting
6 the following qualifications. The applicant shall:

7 1. Be a citizen of the United States or an alien legally
8 residing in the United States and have a minimum of six (6) months
9 legal residence in this state;

10 2. Be at least twenty-one (21) years of age;

11 3. Have a high school diploma or GED and have successfully
12 completed the training and psychological evaluation requirements for
13 the license applied for, as prescribed by the Council;

14 4. Be of good moral character;

15 5. Have no active victim protection orders issued in any state
16 either as plaintiff or defendant;

17 6. Have no record of a felony conviction or any expungement or
18 a deferred judgment or suspended sentence for a felony offense;

19 7. Have no record of conviction for assault or battery,
20 aggravated assault or battery, larceny, theft, false pretense,
21 fraud, embezzlement, false personation of an officer, any offense
22 involving moral turpitude, any offense involving a minor as a
23 victim, any nonconsensual sex offense, any offense involving the
24 possession, use, distribution, or sale of a controlled dangerous

1 substance, any offense of driving while intoxicated or driving under
2 the influence of intoxicating substance, any offense involving a
3 firearm, or any other offense as prescribed by the Council.

4 a. If any conviction which disqualifies an applicant
5 occurred more than five (5) years prior to the
6 application date and the Council is convinced the
7 offense constituted an isolated incident and the
8 applicant has been rehabilitated, the Council may, in
9 its discretion, waive the conviction disqualification
10 as provided for in this paragraph and issue an unarmed
11 bail enforcer license, but shall not issue an armed
12 bail enforcer license if the offense involved the use
13 of a firearm, was violent in nature, or was a felony
14 offense other than a driving offense.

15 b. Under oath, the applicant shall certify that he or she
16 has no disqualifying convictions as specified in the
17 Bail Enforcement and Licensing Act or by rule of the
18 Council.

19 c. The applicant shall further meet all other
20 qualifications, including, but not limited to, the
21 requirement to provide CLEET and the Oklahoma State
22 Bureau of Investigation with individual fingerprints
23 for a state and national criminal history records
24 search and a current individual photograph with the

1 completed CLEET application for a bail enforcer
2 license.

3 d. If upon completion of the required background
4 investigation it is discovered that a disqualifying
5 conviction exists, the Council shall immediately
6 revoke or deny the bail enforcer license of the
7 applicant;

8 8. Make a statement that the applicant is not currently
9 undergoing treatment for a mental illness, condition, or disorder,
10 make a statement whether the applicant has ever been adjudicated
11 incompetent or committed to a mental institution, and make a
12 statement regarding any history of illegal drug use or alcohol
13 abuse. Upon presentation by the Council on Law Enforcement
14 Education and Training of the name, gender, date of birth, and
15 address of the applicant to the Department of Mental Health and
16 Substance Abuse Services, the Department of Mental Health and
17 Substance Abuse Services shall notify the Council within ten (10)
18 days whether the computerized records of the Department indicate the
19 applicant has ever been involuntarily committed to an Oklahoma state
20 mental institution. For purposes of this subsection, "currently
21 undergoing treatment for a mental illness, condition, or disorder"
22 means the person has been diagnosed by a licensed physician or
23 psychologist as being afflicted with a substantial disorder of
24 thought, mood, perception, psychological orientation, or memory that

1 significantly impairs judgment, behavior, capacity to recognize
2 reality, or ability to meet the ordinary demands of life and such
3 condition continues to exist;

4 9. Make a statement regarding any misdemeanor domestic violence
5 charges;

6 10. Provide proof of an individual liability insurance policy
7 in a minimum amount established by the Bail Enforcement and
8 Licensing Act; and

9 11. Provide a statement of employment by a licensed bail
10 recovery agency or a statement of self-employment as a sole
11 proprietor bail enforcer and bail recovery agency.

12 B. A bail recovery agency license may be issued to an
13 individual, corporation, or other legal entity meeting all the
14 individual requirements for a bail enforcer and the following:

15 1. If the license is to be issued in the name of a legal entity
16 other than a natural person, the applicant must furnish proof that
17 the entity is legally recognized and qualified to conduct business
18 in this state, such as the issuance of a corporate charter;

19 2. Any person, otherwise qualified, may own a bail recovery
20 agency;

21 3. A self-employed bail enforcer who employs no other bail
22 enforcers shall also be licensed as a bail recovery agency, but
23 shall only be required to be insured or bonded as a self-employed
24 bail enforcer;

1 4. A bail recovery agency shall be required to maintain a
2 physical place of business in this state and the business name,
3 physical address and phone number shall be publically available and
4 published in the city or county where the physical address is
5 located;

6 5. Only a bail recovery agency may enter into a client contract
7 for bail enforcer services;

8 6. The executive officer or owner in charge of the business
9 operations for a bail recovery agency shall be a resident of this
10 state and shall be required to:

11 a. maintain and furnish a current list of all persons
12 acting as bail enforcers for the agency, including
13 both employees and self-employed bail enforcers, and
14 agree to notify the Council of each termination, hire
15 or new contractor, within the time period and manner
16 specified by the rules promulgated for the Bail
17 Enforcement and Licensing Act, and

18 b. maintain complete records of all clients and
19 apprehensions, and agree such records shall be
20 available to CLEET for inspection at any time during
21 regular business hours; and

22 7. A natural person seeking a bail recovery agency license
23 shall not have had his or her bail enforcer license denied,
24 suspended or revoked or have had any investigative agency license,

1 or private investigator, security guard or bail bondsman license, or
2 law enforcement certification, denied, suspended or revoked.

3 C. 1. All persons and agencies shall obtain and maintain
4 liability coverage in accordance with the following minimum
5 standards:

6 a. general liability insurance coverage for bodily
7 injury, personal injury, and property damage, with
8 endorsements for personal injury including false
9 arrest, libel, slander, and invasion of privacy, or

10 b. a surety bond that allows persons to recover for
11 actionable injuries, loss, or damage as a result of
12 the willful, or wrongful acts or omissions of the
13 principal and protects this state, its agents,
14 officers and employees from judgments against the
15 principal or insured licensee, and is further
16 conditioned upon the faithful and honest conduct of
17 the principal's business.

18 2. Liability coverage and bond outlined in this section shall
19 be in the minimum amounts of Three Hundred Thousand Dollars
20 (\$300,000.00) for individual bail enforcers and One Million Dollars
21 (\$1,000,000.00) for a bail recovery agency that supervises and
22 employs or contracts with bail enforcers or for persons who are
23 dual-licensed bail enforcers, bail bondsmen, private investigators
24 or security guards.

1 3. All bail recovery agencies shall ensure that all employees
2 and contractors have met the minimum liability coverage as
3 prescribed in this section and all license requirements.

4 4. Insurance policies and bonds issued pursuant to this section
5 shall not be modified or canceled unless ten (10) days' prior
6 written notice is given to the Council. All persons and agencies
7 insured or bonded pursuant to this section shall be insured or
8 bonded by an insurance carrier or a surety company licensed and
9 authorized to do business in the state. Failure to obtain and
10 maintain sufficient insurance as provided in the Bail Enforcement
11 and Licensing Act shall be grounds for revocation of a license.

12 D. Upon written notice, any license may be placed on inactive
13 status.

14 E. Similar or duplicate bail recovery agency names will not be
15 issued. Each agency name must be distinguishably different.

16 SECTION 9. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 1350.8 of Title 59, unless there
18 is created a duplication in numbering, reads as follows:

19 A. 1. Application for a bail enforcer or bail recovery agency
20 license shall be made on forms provided by the Council on Law
21 Enforcement Education and Training and shall be submitted in writing
22 by the applicant under oath. The application shall require the
23 applicant to furnish information reasonably required by the Council
24 to implement the provisions of the Bail Enforcement and Licensing

1 Act, including classifiable fingerprints to enable the search of
2 criminal indices for evidence of a prior criminal record, including,
3 but not limited to, a national criminal history record check as
4 defined by Section 150.9 of Title 74 of the Oklahoma Statutes.

5 2. Upon request of the Council, the Oklahoma State Bureau of
6 Investigation and other state and local law enforcement agencies
7 shall furnish a copy of any existent criminal history data relating
8 to an applicant to enable the Council to determine the
9 qualifications and fitness of such applicant for a license.

10 B. 1. On and after July 1, 2013, the original application and
11 any license renewal shall be accompanied by a fee of Three Hundred
12 Dollars (\$300.00) for each original application and renewal of an
13 unarmed bail enforcer license, Four Hundred Dollars (\$400.00) for an
14 armed bail enforcer license, or Six Hundred Dollars (\$600.00) for a
15 bail recovery agency license. If an individual or agency does not
16 qualify for the type of license or renewal license requested, the
17 Council shall retain twenty percent (20%) of the licensing fee as a
18 processing fee and refund the remaining amount to the individual or
19 agency submitting payment. The individual license fee paid by a
20 licensed agency will be refunded to the agency. In addition to the
21 fees provided in this subsection, the original application of a bail
22 enforcer license shall be accompanied by a nonrefundable fee for a
23 national criminal history record check with fingerprint analysis, as
24 provided in Section 150.9 of Title 74 of the Oklahoma Statutes.

1 2. A licensee whose license has been suspended may apply for
2 reinstatement of license after the term of the suspension has
3 passed, if otherwise qualified. Any application for reinstatement
4 following a suspension of licensure shall be accompanied by a
5 nonrefundable fee of One Hundred Dollars (\$100.00) for the
6 reinstatement of an unarmed bail enforcer license, One Hundred Fifty
7 Dollars (\$150.00) for an armed bail enforcer license, and Two
8 Hundred Dollars (\$200.00) for a bail recovery agency license. A
9 revoked license shall not be reinstated.

10 3. A licensee who fails to file a renewal application on or
11 before the expiration of a license shall pay a late fee of Fifty
12 Dollars (\$50.00) for an individual license and a late fee of One
13 Hundred Dollars (\$100.00) for an agency license.

14 4. The fees charged and collected pursuant to the provisions of
15 this section shall be deposited to the credit of the CLEET Bail
16 Enforcement Revolving Fund created pursuant to Section 20 of this
17 act.

18 C. On and after July 1, 2013, a bail enforcer license or armed
19 bail enforcer license shall be valid for a period of three (3) years
20 and may be renewed for additional three-year terms. A bail recovery
21 agency license shall be valid for a period of three (3) years and
22 may be renewed for additional three-year terms.

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1 D. The Council shall devise a system for issuance of licenses
2 for the purpose of evenly distributing the expiration dates of the
3 licenses.

4 E. Pursuant to rule, the Council may issue a duplicate license
5 to a person licensed pursuant to the provisions of the Bail
6 Enforcement and Licensing Act. On and after July 1, 2013, the
7 Council may assess a fee of Twenty-five Dollars (\$25.00) for the
8 issuance of a duplicate license. The fee shall accompany the
9 request for a duplicate license. All duplicate license fees shall
10 be deposited to the credit of the CLEET Bail Enforcement Revolving
11 Fund created pursuant to Section 17 of this act.

12 SECTION 10. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 1350.9 of Title 59, unless there
14 is created a duplication in numbering, reads as follows:

15 A. A bail enforcer license, armed bail enforcer license or bail
16 recovery agency license shall be subject to denial, suspension, or
17 revocation and/or disciplinary penalty or fine by the Council on Law
18 Enforcement Education and Training subject to the Administrative
19 Procedures Act for, but not limited to, the following reasons by
20 clear and convincing evidence:

21 1. Any erroneous or false statement in an application for a
22 license submitted pursuant to the Bail Enforcement and Licensing Act
23 or rules promulgated pursuant thereto;

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1 2. Failure to successfully complete any prescribed course of
2 training as required by the Council;

3 3. Violation of any provision of the Bail Enforcement and
4 Licensing Act or any rule promulgated pursuant thereto;

5 4. A conviction for assault or battery, aggravated assault or
6 battery, larceny, theft, false pretense, fraud, embezzlement, false
7 personation of an officer, any offense involving moral turpitude,
8 any offense involving a minor as a victim, any nonconsensual sex
9 offense, any offense involving the possession, use, distribution, or
10 sale of a controlled dangerous substance, any offense of driving
11 while intoxicated or driving under the influence of intoxicating
12 substance, any offense involving a firearm, or any other offense as
13 proscribed by the Council;

14 5. Use of beverages containing alcohol while armed with a
15 firearm;

16 6. Knowingly impersonating a law enforcement officer;

17 7. Failure to obtain or maintain liability insurance coverage
18 pursuant to the Bail Enforcement and Licensing Act;

19 8. Failure to carry and possess proper identification or
20 documents required by the Bail Enforcement and Licensing Act or any
21 rules promulgated pursuant thereto;

22 9. Failure to wear properly marked apparel or have a properly
23 marked vehicle, if required to be marked, pursuant to the Bail
24 Enforcement and Licensing Act;

1 10. Improper carry, display or use of a firearm, offensive
2 weapon or toxic substance;

3 11. Illegal entry into a dwelling place, structure, property or
4 vehicle or improper or illegal detention of any person;

5 12. Employing, authorizing, or permitting an unlicensed or
6 uninsured person to perform or assist as a bail enforcer; or

7 13. Permitting a person to perform or assist as a bail
8 enforcer, knowing the person has committed any offense enumerated in
9 the Bail Enforcement and Licensing Act.

10 B. Upon the effective date of suspension or revocation of any
11 license pursuant to the Bail Enforcement and Licensing Act, the
12 licensee shall have the duty to surrender the license and any
13 identification card issued pursuant thereto to the Council.

14 SECTION 11. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 1350.10 of Title 59, unless
16 there is created a duplication in numbering, reads as follows:

17 A. It shall be unlawful for any person to mark any vehicle,
18 wear any apparel, or display any badge or identification card
19 bearing the words "Fugitive Agent", "Recovery Agent", "Enforcement
20 Officer", "Bounty Hunter", "Bail Agent", or "Recovery Detective" or
21 use any other words or phrases that imply that such person is a bail
22 enforcer as defined by the Bail Enforcement and Licensing Act. Any
23 violation shall be a violation of the Bail Enforcement and Licensing
24 Act which is punishable as provided in Section 4 of this act.

1 B. No person licensed as a bail enforcer or bail recovery
2 agency shall:

3 1. Divulge any information gained by him or her in the course
4 of employment except as the employer or client may direct or as may
5 be required by law to be disclosed;

6 2. Willfully make a false report to his or her employer or to a
7 client;

8 3. Attempt any location, apprehension, recovery or surrender of
9 any person without having in his or her possession written proof of
10 the client contract;

11 4. Attempt any location, apprehension, recovery or surrender of
12 any person without having in his or her possession a certified copy
13 of the arrest warrant or certified copy of the signed bail or bond
14 agreement;

15 5. Wear law enforcement style apparel, badges, shields,
16 ballistic vest or helmet which would imply to the public that the
17 person is a law enforcement officer or represents a law enforcement
18 agency; provided, however, a ballistic vest may be worn when
19 concealed under properly marked apparel;

20 6. Carry any firearm or offensive weapon in the recovery of a
21 defendant without a valid armed bail enforcer license, or carry any
22 firearm or offensive weapon when wearing bail enforcer apparel and
23 not actively engaged in the recovery of a defendant;

24

1 7. Point, display or discharge a firearm or offensive weapon or
2 administer a toxic substance in the recovery of a defendant without
3 lawful authority and training as provided by the rules promulgated
4 by the Council;

5 8. Wear any uniform, or use any title, insignia, badge or
6 identification card or make any statements that would lead a person
7 to believe that he or she is connected in any way with the federal
8 government, a state government, or any political subdivision of a
9 state government, or as an officer, director, partner or manager to
10 permit another person under his or her supervision to do such
11 prohibited acts, unless lawfully authorized by proper authorities to
12 do so;

13 9. Enter into any private dwelling place, structure, property
14 or vehicle of a defendant or innocent third party by force without
15 lawful cause and authority as established by law or rule;

16 10. Use force or intimidation against an innocent third party;

17 11. Disobey any local ordinance, state or federal law,
18 including traffic laws, in attempting to locate, apprehend, recover
19 or surrender any person pursuant to the Bail Enforcement and
20 Licensing Act; or

21 12. Use or modify any vehicle for purposes of bail enforcement
22 that resembles or bears markings or equipment similar to those
23 markings or equipment of an authorized law enforcement agency in
24 this state, or any of its political subdivisions, or that bear any

1 emblems, stickers, seals or paint in colors or design that would
2 imply to the public that the vehicle is a law enforcement vehicle
3 from this state, another state, or any political subdivision of a
4 state, or the United States.

5 A violation of any provision of this subsection shall be
6 punishable as provided in Section 4 of this act. In addition, the
7 Council may suspend or revoke the license of the bail enforcer or
8 bail recovery agency as provided by the rules promulgated pursuant
9 to the Bail Enforcement and Licensing Act.

10 C. The Council on Law Enforcement Education and Training or its
11 employees shall not disclose application information pertaining to
12 persons licensed pursuant to the Bail Enforcement and Licensing Act,
13 except:

14 1. To verify the current license status of any applicant or
15 licensee to the public;

16 2. As may be necessary to perform duties or comply with rules
17 or law pursuant to the Bail Enforcement and Licensing Act;

18 3. To a bona fide law enforcement agency or judicial authority,
19 upon request;

20 4. To a liability insurance company licensed in this state for
21 purposes of issuing a liability policy for licensure pursuant to the
22 Bail Enforcement and Licensing Act or for claims purposes;

23

24

1 5. To provide the published business name, address and phone
2 number, upon request by the public, of any licensed bail recovery
3 agency in the state; or

4 6. As required by court order.

5 SECTION 12. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 1350.11 of Title 59, unless
7 there is created a duplication in numbering, reads as follows:

8 A. Each bail enforcer licensed pursuant to the Bail Enforcer
9 and Licensing Act shall carry a valid driver license or state-issued
10 photo identification card and an identification card issued by the
11 Council on Law Enforcement Education and Training at all times while
12 performing the functions and services of a bail enforcer in this
13 state. Each bail recovery agency shall display in its primary
14 office in this state a valid license therefor issued by the Council.

15 B. Each discharge of a firearm, taser or stun gun, or the
16 administration of any toxic substance in the recovery of a defendant
17 pursuant to the Bail Enforcement and Licensing Act, other than for
18 training purposes, shall be reported immediately to the Council by
19 the licensee and the bail recovery agency, if the bail enforcer is
20 an employee or contractor of the agency.

21 SECTION 13. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 1350.12 of Title 59, unless
23 there is created a duplication in numbering, reads as follows:

24

1 A. The words "police", "deputy", "detective", "officer",
2 "agent", or "investigator" shall not be displayed upon any bail
3 enforcer badge, uniform, or vehicle. The words "Bail Enforcer", or
4 "Bail Enforcer" in conjunction with the bail recovery agency's name,
5 shall be displayed on any badge or uniform in bold letters together
6 with the person's valid state-issued license number.

7 B. Vehicles used by bail enforcers or bail recovery agencies
8 pursuant to the Bail Enforcement and Licensing Act, if marked, shall
9 bear the words "Bail Enforcer", or "Bail Enforcer" in conjunction
10 with the agency's name, address and phone number in conspicuous
11 letters. No such vehicle shall be equipped with a siren, a lamp
12 with a red or blue lens, or an overhead light or lights with red or
13 blue lens.

14 C. Any violation of this section shall be punishable as
15 provided in Section 4 of this act. In addition, the Council may
16 suspend or revoke the license pursuant to the rules promulgated for
17 such prohibited conduct.

18 SECTION 14. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 1350.13 of Title 59, unless
20 there is created a duplication in numbering, reads as follows:

21 A. The firearm training for armed bail enforcers may include
22 the reduction targets for weapons fired at fifty (50) feet to
23 simulate weapons fired at seventy-five (75) feet in indoor ranges.
24 All indoor ranges for this training shall have a minimum of three

1 firing lanes and be approved by the Council on Law Enforcement
2 Education and Training.

3 B. The Council shall approve the standards and curriculum for
4 approved training schools on the use of tasers and stun guns and the
5 administration of toxic substances to recover a defendant. No bail
6 enforcer or bail bondsman shall be permitted to carry a taser or
7 stun gun or administer toxic substances in the recovery of a
8 defendant without successful completion of the training requirement
9 established by the Council.

10 SECTION 15. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 1350.14 of Title 59, unless
12 there is created a duplication in numbering, reads as follows:

13 A. On and after July 1, 2013, private schools desiring to
14 conduct any or all phases of bail enforcement training shall submit
15 an application for a certificate of approval to the Council on Law
16 Enforcement Education and Training. The application shall be
17 accompanied by a fee of Three Hundred Dollars (\$300.00). The
18 certificate shall be renewed annually by July 1. The renewal fee
19 shall be Three Hundred Dollars (\$300.00). If the school does not
20 qualify for a certificate or renewal certificate, the Council on Law
21 Enforcement Education and Training shall retain twenty percent (20%)
22 of the fee as a processing fee and refund the balance to the school.
23 The processing fee shall be credited and deposited in the CLEET Bail
24 Enforcement Revolving Fund created in Section 17 of this act.

1 B. A listing of qualified and certified bail enforcement
2 training schools shall be available from the Council. Any certified
3 school may conduct continuing education courses on subjects approved
4 by the Council.

5 SECTION 16. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 1350.15 of Title 59, unless
7 there is created a duplication in numbering, reads as follows:

8 Every bail enforcer who holds a valid license in this state
9 shall have access to the county jails of this state for the purpose
10 of surrendering persons recovered pursuant to the Bail Enforcement
11 and Licensing Act, subject to the rules adopted by the Council on
12 Law Enforcement Education and Training and rules promulgated by the
13 local authority of the jurisdiction.

14 SECTION 17. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 1350.16 of Title 59, unless
16 there is created a duplication in numbering, reads as follows:

17 There is hereby created in the State Treasury a revolving fund
18 for the Council on Law Enforcement Education and Training to be
19 designated the "CLEET Bail Enforcement Revolving Fund". The fund
20 shall be a continuing fund, not subject to fiscal year limitations,
21 and shall consist of all application fees, license fees, renewal
22 fees, late fees, penalties and fines and other funds assessed or
23 collected pursuant to the Bail Enforcement and Licensing Act. All
24 monies accruing to the credit of the fund are hereby appropriated

1 and may be budgeted and expended by the Council on Law Enforcement
2 Education and Training for the implementation, administration and
3 enforcement of the Bail Enforcement and Licensing Act. Expenditures
4 from the fund shall be made upon warrants issued by the State
5 Treasurer against claims filed as prescribed by law with the
6 Director of the Office of State Finance for approval and payment.

7 SECTION 18. AMENDATORY 59 O.S. 2011, Section 1327, is
8 amended to read as follows:

9 Section 1327. A. At any time before there has been a breach of
10 the undertaking in any type of bail provided herein, the surety or
11 bondsman or a licensed bail enforcer pursuant to a client contract
12 under the Bail Enforcement and Licensing Act may surrender the
13 defendant, or the defendant may surrender himself or herself, to the
14 official to whose custody the defendant was committed at the time
15 bail was taken, or to the official into whose custody the defendant
16 would have been given had he or she been committed. The defendant
17 may be surrendered without the return of premium for the bond if he
18 or she has been guilty of nonpayment of premium, changes address
19 without notifying his or her bondsman, conceals himself or herself,
20 leaves the jurisdiction of the court without the permission of his
21 or her bondsman, or violates his or her contract with the bondsman
22 in any way that does harm to the bondsman, or the surety, or
23 violates his or her obligation to the court. When a bondsman or
24 surety, or a licensed bail enforcer, surrenders a defendant pursuant

1 to this subsection, the bondsman or surety shall file written
2 notification of the surrender. After surrender, and upon filing of
3 written notification of the surrender, the bond shall be exonerated
4 and the clerk shall enter a minute in the case exonerating the bond.

5 B. If the defendant has been placed in custody of another
6 jurisdiction, the district attorney shall direct a hold order to the
7 official, judge or law enforcement agency where the defendant is in
8 custody. All reasonable expenses accrued in returning the defendant
9 to the original court shall be borne by the bondsman who posted the
10 bond with that court. Upon application, the bond in the original
11 court shall be exonerated when the hold order is placed and upon
12 proof of payment of expenses by the bondsman.

13 C. If the defendant has been arrested on new charges and is in
14 the custody of the same jurisdiction in which the bondsman or surety
15 has posted an appearance bond or bonds for the defendant, and the
16 bond or bonds have not been exonerated, and certified copies of
17 bonds are not reasonably available, the bondsman or surety may
18 recommit the defendant to be held in custody on the charges for
19 which the bondsman or surety has previously posted appearance bonds
20 thereon, in accordance with the following procedure:

21 1. On a Recommitment of Defendant by Bondsman form approved by
22 the Administrative Office of the Courts, the bondsman or surety
23 shall personally affix his or her signature to an affidavit
24 attesting to the following:

- a. the defendant is presently in the custody of the jurisdiction in which the bondsman or surety has posted a bond or bonds,
- b. the case number, if any, assigned to each bond,
- c. that the bond or bonds have not been exonerated, and
- d. the specific charges and bond amount or amounts;

2. The bondsman or surety shall present the Recommitment of Defendant by Bondsman form to the official in whose custody the defendant is being held, and the official shall detain the defendant in his or her custody, thereon, as upon a commitment, and by a certificate in writing acknowledging the surrender; and

3. When a bondsman or surety recommits a defendant pursuant to this subsection, the bondsman or surety shall file a written notification thereof to the court, and after such notification, the bond or bonds shall be exonerated, and the clerk shall enter a minute in the case exonerating the bond or bonds.

D. When a defendant does appear before the court as required by law and enters a plea of guilty or nolo contendere, is sentenced or a deferred sentence is granted as provided for in Section 991c of Title 22 of the Oklahoma Statutes, in such event the undertaking and bondsman and insurer shall be exonerated from further liability.

SECTION 19. AMENDATORY 59 O.S. 2011, Section 1328, is amended to read as follows:

1 Section 1328. The ~~person~~ bondsman or surety, or a licensed bail
2 enforcer pursuant to a client contract under the Bail Enforcement
3 and Licensing Act, desiring to make a surrender of the defendant
4 shall procure or have in his or her possession a certified copy of
5 the undertakings and deliver ~~them~~ such documents together with the
6 defendant to the official in whose custody the defendant was at the
7 time bail was taken, or to the official into whose custody he or she
8 would have been given had he or she been committed, who shall detain
9 the defendant in ~~his or her~~ custody thereon, as upon a commitment,
10 and by a certificate in writing acknowledge the surrender.

11 Upon the presentation of a certified copy of the undertaking and
12 the certificate of the official, the court before which the
13 defendant has been held to answer, or the court in which the
14 preliminary examination, indictment, information or appeal, ~~as the~~
15 ~~case may be~~ is pending, shall, upon notice of three (3) days given
16 by the person making the surrender to the prosecuting officer of the
17 court having jurisdiction of the offense, together with a copy of
18 the undertakings and certificate, order that the obligors be
19 exonerated from liability on their undertakings; and, if money has
20 been deposited as bail, that such money or bonds be refunded. If
21 property pledged, a certificate of exoneration be issued and the
22 lien previously filed be released and the undertakings of whatever
23 nature be canceled.

24

1 If certified copies of bonds are not reasonably available, the
2 bondsman or surety may recommit the defendant to be held in custody
3 on the charges for which the bondsman or surety has previously
4 posted appearance bonds thereon in accordance with the following
5 procedure:

6 1. On a Recommitment of Defendant by Bondsman form approved by
7 the Administrative Office of the Courts, the bondsman or surety
8 shall personally affix his or her signature to an affidavit
9 attesting to the following:

- 10 a. the bondsman or surety has posted a bond or bonds for
11 the defendant and is hereby presented to the official
12 in whose custody the defendant was at the time bail
13 was taken,
14 b. the case number, if any, assigned to each bond, and
15 c. the specific charges and bond amount or amounts;

16 2. The bondsman or surety shall present the Recommitment of
17 Defendant by Bondsman form to the official in whose custody the
18 defendant is being surrendered, and the official shall detain the
19 defendant in his or her custody thereon, as upon a commitment, and
20 by a certificate in writing acknowledging the surrender; and

21 3. When a bondsman or surety recommits a defendant pursuant to
22 this subsection, the bondsman or surety shall file a written
23 notification thereof to the courts, and after such notification, the
24

1 bond or bonds shall be exonerated and the clerk shall enter a minute
2 in the case exonerating the bond or bonds.

3 SECTION 20. AMENDATORY 59 O.S. 2011, Section 1329, is
4 amended to read as follows:

5 Section 1329. For the purpose of surrendering the defendant,
6 ~~the:~~

7 1. The surety may arrest ~~him~~ the defendant before the
8 forfeiture of the undertaking, ~~or;~~

9 2. The surety, by written authority endorsed on a certified
10 copy of the undertaking, may empower any peace officer to make an
11 arrest of the defendant, first paying the lawful fees therefor; or

12 3. The surety, by contract with a licensed bail enforcer or
13 bail recovery agency pursuant to the Bail Enforcement and Licensing
14 Act which contract has attached a certified copy of the undertaking,
15 may authorize the bail enforcer or bail recovery agency to recover
16 the person.

17 In addition, the bondsman may surrender the defendant by
18 following the commitment procedures as set forth in subsection C of
19 Section 1327 of this title.

20 SECTION 21. AMENDATORY 59 O.S. 2011, Section 1332, is
21 amended to read as follows:

22 Section 1332. A. If there is a breach of an undertaking, the
23 court before which the cause is pending shall issue an arrest
24 warrant for the defendant and declare the undertaking and any money,

1 property, or securities that have been deposited as bail, forfeited
2 on the day the defendant failed to appear. In the event of the
3 forfeiture of a bail bond the clerk of the trial court shall, within
4 thirty (30) days after the forfeiture, by mail with return receipt
5 requested, mail a true and correct copy of the order and judgment of
6 forfeiture to the bondsman, and if applicable, the insurer, whose
7 risk it is, and keep at least one copy of the order and judgment of
8 forfeiture on file; provided, the clerk shall not be required to
9 mail the order and judgment of forfeiture to the bondsman or insurer
10 if, within fifteen (15) days from the date of forfeiture, the
11 defendant is returned to custody, the bond is reinstated by the
12 court with the bondsman's approval, or the order of forfeiture is
13 vacated or set aside by the court. Failure of the clerk of the
14 trial court to comply with the thirty-day notice provision in this
15 subsection shall exonerate the bond by operation of law.

16 B. The order and judgment of forfeiture shall be on forms
17 prescribed by the Administrative Director of the Courts.

18 C. 1. The bail bondsman shall have ninety (90) days from
19 receipt of the order and judgment of forfeiture from the court clerk
20 or mailing of the notice if no receipt is made, to return the
21 defendant to custody.

22 2. The bail bondsman may contract with a licensed bail enforcer
23 or bail recovery agency pursuant to the Bail Enforcement and
24

1 Licensing Act to recover and return the defendant to custody within
2 the ninety-day period, or as agreed.

3 3. When the court record indicates that the defendant is
4 returned to custody in the jurisdiction where forfeiture occurred,
5 within the ninety-day period, the court clerk shall enter minutes
6 vacating the forfeiture and exonerating the bond. If the defendant
7 has been timely returned to custody, but this fact is not reflected
8 by the court record, the court shall vacate the forfeiture and
9 exonerate the bond.

10 ~~3.~~ 4. For the purposes of this section, "return to custody"
11 means:

- 12 a. the return of the defendant to the appropriate
- 13 Oklahoma law enforcement agency by the bondsman,
- 14 b. an appearance of the defendant in open court in the
- 15 court where charged,
- 16 c. arrest or incarceration within this state of the
- 17 defendant by law enforcement personnel, or
- 18 d. arrest or incarceration of the defendant in any other
- 19 jurisdiction, provided the bondsman has requested that
- 20 a hold be placed on the defendant in the jurisdiction
- 21 wherein the forfeiture lies and has guaranteed
- 22 reasonable travel expenses for the return of the
- 23 defendant.

24

1 ~~4.~~ 5. In addition to the provisions set forth in paragraphs ~~2~~ 3
2 and ~~3~~ 4 of this subsection, the bond shall be exonerated by
3 operation of law in any case in which:

4 a. the bondsman has requested in writing of the sheriff's
5 department in the county where the forfeiture occurred
6 that the defendant be entered into the computerized
7 records of the National Crime Information Center, and
8 the request has not been honored within fourteen (14)
9 business days of the receipt of the written request by
10 the department, or

11 b. the defendant has been arrested outside of this state
12 and the court record shows the prosecuting attorney
13 has declined to proceed with extradition.

14 ~~5.~~ 6. The court may, in its discretion, vacate the order of
15 forfeiture and exonerate the bond where good cause has been shown
16 for:

17 a. the defendant's failure to appear, or

18 b. the bondsman's failure to return the defendant to
19 custody within ninety (90) days.

20 D. 1. If, within ninety (90) days from receipt of the order
21 and judgment of forfeiture from the court clerk, or mailing of the
22 notice if no receipt is made, the defendant is not returned to
23 custody, or the forfeiture has not been stayed, the bondsman and, if
24 applicable, the insurer whose risk it is shall deposit cash or other

1 valuable securities in the face amount of the bond with the court
2 clerk ninety-one (91) days from receipt of the order and judgment of
3 forfeiture from the court clerk, or mailing of the notice if no
4 receipt is made; provided, this provision shall not apply if the
5 defendant has been returned to custody within the ninety-day period
6 and the court has failed to vacate the forfeiture pursuant to
7 paragraphs ~~2~~ 3 through ~~5~~ 6 of subsection C of this section.

8 2. After the order and judgment has been paid, the bondsman
9 and, if applicable, the insurer whose risk it is shall have one year
10 from the date payment is due to return the defendant to custody as
11 defined by paragraph ~~3~~ 4 of subsection C of this section. In the
12 event the defendant is returned to custody and all expenses for the
13 defendant's return have been paid by the bondsman or insurer, the
14 bondsman's or insurer's property shall be returned; provided, the
15 request for remitter be made by motion filed within one year from
16 the date payment is due.

17 3. If the additional cash or securities are not deposited with
18 the court clerk on or before the ninety-first day after the date of
19 service of the order and judgment of forfeiture from the court
20 clerk, or mailing of the notice if no receipt is made, then the
21 court clerk shall notify the Insurance Commissioner by sending a
22 certified copy of the order and judgment of forfeiture and proof
23 that the bondsman and, if applicable, the insurer have been notified
24 by mail with return receipt requested.

1 4. The Insurance Commissioner shall:

2 a. in the case of a surety bondsman, immediately cancel
3 the license privilege and authorization of the insurer
4 to do business within the State of Oklahoma and cancel
5 the appointment of all surety bondsman agents of the
6 insurer who are licensed by Section 1301 et seq. of
7 this title, and

8 b. in the case of a professional bondsman, withdraw the
9 face amount of the forfeiture from the deposit
10 provided in Section 1306 of this title. The
11 Commissioner shall then immediately direct the
12 professional bondsman, by mail with return receipt
13 requested, to make additional deposits to bring the
14 original deposit to the required level. Should the
15 professional bondsman, after being notified, fail to
16 make an additional deposit within ten (10) days from
17 the receipt of notice, or mailing of notice if no
18 receipt is made, the license shall be revoked and all
19 sums presently on deposit shall be held by the
20 Commissioner to secure the face amounts of bonds
21 outstanding. Upon release of the bonds, any amount of
22 deposit in excess of the bonds shall be returned to
23 the bondsman; provided, the bail bondsman shall have
24 had notice as required by the court, at the place of

1 the bondsman's business, of the trial or hearing of
2 the defendant named in the bond. The notice shall
3 have been at least ten (10) days before the required
4 appearance of the defendant, unless the appearance is
5 scheduled at the time of execution of the bond.
6 Notwithstanding the foregoing, the bondsman shall be
7 deemed to have had notice of the trial or hearing if
8 the defendant named in the bond shall have been
9 recognized back in open court to appear at a date
10 certain for the trial or hearing.

11 5. If the actions of any bail bondsman force the Insurance
12 Commissioner to withdraw monies, deposited pursuant to Section 1306
13 of this title, to pay past due executions more than two (2) times in
14 a consecutive twelve-month period, then the license of the
15 professional bondsman shall, in addition to other penalties, be
16 suspended automatically for one (1) year or until a deposit equal to
17 all outstanding forfeitures due is made. The deposit shall be
18 maintained until the Commissioner deems it feasible to reduce the
19 deposit. In no case shall an increased deposit exceed two (2) years
20 unless there is a recurrence of withdrawals as stated herein.

21 E. 1. If the defendant's failure to appear was the result of
22 the defendant's death or of being in the custody of a court other
23 than the court in which the appearance was scheduled, forfeiture
24 shall not lie. Upon proof to the court that the bondsman paid the

1 order and judgment of forfeiture without knowledge that the
2 defendant was deceased or in custody of another court on the day the
3 defendant was due to appear, and all expenses for the defendant's
4 return have been paid by the bondsman, the bondsman's property shall
5 be returned.

6 2. Where the defendant is in the custody of another court, the
7 district attorney or municipal attorney shall direct a hold order to
8 the official, judge, court or law enforcement agent wherein the
9 defendant is in custody; provided, that all expenses accrued as a
10 result of returning the custody of the defendant shall be borne by
11 the bondsman.

12 F. The district attorney or municipal attorney shall not
13 receive any bonuses or other monies or property for or by reason of
14 services or actions in connection with or collection of bond
15 forfeitures under the provisions of Section 1301 et seq. of this
16 title, except that the court may award a reasonable attorney fee in
17 favor of the prevailing party for legal services in any civil action
18 or proceeding to collect upon a judgment of forfeiture.

19 G. The above procedures shall be subject to the bondsman's
20 rights of appeal. The bondsman or insurer may appeal an order and
21 judgment of forfeiture pursuant to the procedures for appeal set
22 forth in Section 951 et seq. of Title 12 of the Oklahoma Statutes.
23 To stay the execution of the order and judgment of forfeiture, the
24

1 bondsman or insurer shall comply with the provisions set forth in
2 Section 990.4 of Title 12 of the Oklahoma Statutes.

3 H. For municipal courts of record, the above procedures are
4 criminal in nature and ancillary to the criminal procedures before
5 the trial court and shall be subject to the bondsman's right of
6 appeal. The bondsman or insurer may appeal an order and judgment of
7 forfeiture by the municipal courts of record to the Court of
8 Criminal Appeals.

9 I. Upon a motion to the court, any person executing a bail bond
10 as principal or as surety shall be exonerated after three (3) years
11 have elapsed from the posting of the bond, unless a judgment has
12 been entered against the surety or the principal for the forfeiture
13 of the bond, or unless the court grants an extension of the three-
14 year time period for good cause shown, upon motion by the
15 prosecuting attorney.

16 SECTION 22. AMENDATORY 59 O.S. 2011, Section 1332.1, is
17 amended to read as follows:

18 Section 1332.1 For the purpose of surrendering a defendant
19 after a breach of the undertaking, the following persons may return
20 the defendant to custody:

21 1. A bondsman or surety;

22 2. ~~An employee of~~ A licensed bail enforcer having a client
23 contract with a bondsman or surety pursuant to the Bail Enforcement
24 and Licensing Act; or

1 3. A peace officer acting within the peace officer's
2 jurisdiction.

3 SECTION 23. AMENDATORY 59 O.S. 2011, Section 1750.2A, is
4 amended to read as follows:

5 Section 1750.2A Any person violating or failing to comply with
6 the provisions of the Oklahoma Security Guard and Private
7 Investigator Act or the Bail Enforcement and Licensing Act may be
8 enjoined from such violations or required to comply with such
9 provisions by any district court of competent jurisdiction. The
10 Council on Law Enforcement Education and Training or the Attorney
11 General may apply for an order enjoining such violation or enforcing
12 compliance with ~~this act~~ law and rule. Upon the filing of a
13 verified petition with the court, the court, if satisfied by the
14 affidavit or otherwise that the person has violated ~~this act~~ any
15 provisions of the Oklahoma Security Guard and Private Investigator
16 Act or the Bail Enforcement and Licensing Act, may issue a temporary
17 injunction enjoining such continued violation. In case of violation
18 of any order or decree issued by court, the offender may be held in
19 contempt of court. Proceedings under this section shall be in
20 addition to all other remedies and penalties provided by law.

21 SECTION 24. AMENDATORY 59 O.S. 2011, Section 1750.5, is
22 amended to read as follows:

23
24

1 Section 1750.5 A. Licenses authorized to be issued by the
2 Council on Law Enforcement Education and Training (CLEET) shall be
3 as follows:

- 4 1. Security Agency License;
- 5 2. Investigative Agency License;
- 6 3. Private Investigator License (unarmed);
- 7 4. Security Guard License (unarmed);
- 8 5. Armed Security Guard License;
- 9 6. Special Event License (unarmed); ~~and~~
- 10 7. Armed Private Investigator License;
- 11 8. Bail Enforcer License;
- 12 9. Armed Bail Enforcer License; and
- 13 10. Bail Recovery Agency License.

14 B. Any qualified applicant meeting the requirements for more
15 than one of the positions of private investigator, security guard,
16 ~~or~~, armed security guard, bail enforcer, or armed bail enforcer may
17 be issued a separate license for each position for which qualified,
18 or in the discretion of the Council, a combination license provided
19 the required license fees are paid.

20 C. 1. A private investigator may carry a firearm, if the
21 private investigator also performs the functions of an armed
22 security guard, under the authority of the armed security guard
23 license.

1 2. If the private investigator performs no functions of an
2 armed security guard, the Council may issue an armed private
3 investigator license. If a person has been issued an armed private
4 investigator license, the Council may issue an armed bail enforcer
5 license if the applicant is otherwise eligible and qualified. The
6 applicant for an armed private investigator license must complete
7 Phase I, III and IV training and pass the psychological examination
8 and state test; provided however, active certified peace officers
9 and retired certified peace officers shall be exempt from the
10 psychological examination as provided in Section 1750.3A of this
11 title, and active certified peace officers of any state, county or
12 municipal law enforcement agency in this state shall be exempt from
13 the Phase I, III and IV training and state test for an armed private
14 investigator. The Council will charge the same fee for the armed
15 private investigators license as the cost of the armed security
16 guard license; provided however, an active certified peace officer
17 who is an applicant for a an armed private investigator or armed
18 security guard license shall be charged only twenty percent (20%) of
19 the required fee.

20 3. Any person issued an armed private investigator license may
21 carry a concealed firearm when on and off duty, provided the person
22 keeps the firearm concealed from view and is in possession of a
23 valid driver license and a valid armed private investigator license.
24

1 4. Any person issued an armed bail enforcer license may carry a
2 concealed approved pistol, or may open-carry an approved pistol with
3 a visible bail enforcer badge affixed to the holster or belt
4 immediately next to the firearm while wearing clearly marked apparel
5 designating the person as a "Bail Enforcer" with his or her license
6 number clearly visible, when actively engaged in the recovery of a
7 defendant, subject to all rules for use and conduct of firearms
8 promulgated by the Council. An armed bail enforcer shall be
9 prohibited from carrying a firearm or wearing marked bail enforcer
10 apparel pursuant to the armed bail enforcer license when not
11 actively engaged in the recovery of a defendant.

12 D. Any identification card issued to a person meeting the
13 license requirements for an armed security guard ~~or~~, an armed
14 private investigator or armed bail enforcer shall be distinct and
15 shall explicitly state that the person is authorized to carry a
16 firearm pursuant to the provisions of the Oklahoma Security Guard
17 and Private Investigator Act or the Bail Enforcement and Licensing
18 Act. Upon receipt of the license and identification card, the armed
19 security guard ~~or~~, armed private investigator or armed bail enforcer
20 is authorized to carry a firearm ~~in the performance of his or her~~
21 ~~duties~~ subject to the respective provisions of the Oklahoma Security
22 Guard and Private Investigator Act or the Bail Enforcement and
23 Licensing Act and the rules promulgated by the Council.

24

1 E. The Council may issue a conditional license to a person
2 employed by a security or investigative agency as a trainee for a
3 security guard, armed security guard, or private investigator
4 position, when the person has submitted a properly completed
5 application, made under oath, subject to the following conditions:

6 1. A conditional license shall authorize employees to perform
7 the same functions that regular licensees perform, but subject to
8 supervision by the employing agency as the Council may prescribe;

9 2. The holder of a conditional license shall complete the
10 necessary training requirements within one hundred eighty (180) days
11 from the effective date of the conditional license, after which the
12 conditional license shall expire;

13 3. The holder of a conditional license as an armed security
14 guard shall not carry a firearm in the performance of duties until
15 after completing a course of firearms training as prescribed by the
16 Council, and having been issued a regular license by the Council;

17 4. A conditional license may be renewed at the discretion of
18 the Council, if necessary to allow an applicant to complete any
19 training required for a regular license; ~~and~~

20 5. When the Council finds that a conditional license holder has
21 completed the required training and is otherwise qualified for a
22 license pursuant to the provisions of the Oklahoma Security Guard
23 and Private Investigator Act, the Council shall issue a regular
24 license; and

1 6. The Council shall be prohibited from issuing a conditional
2 license to a bail enforcer or bail recovery agency under the Bail
3 Enforcement and Licensing Act.

4 F. A Security Agency License may be issued to an individual,
5 corporation, or other legal entity meeting the following
6 qualifications:

7 1. If the license is to be issued in the name of a legal entity
8 other than a natural person, the applicant must furnish proof that
9 the entity is legally recognized, such as the issuance of a
10 corporate charter; and

11 2. The executive officer, manager, or other person in charge of
12 supervising security guards in the performance of their duties shall
13 be a licensed security guard.

14 G. An Investigative Agency License may be issued to an
15 individual, corporation, or other legal entity meeting the following
16 qualifications:

17 1. If the license is to be issued in the name of a legal entity
18 other than a natural person, the applicant must furnish proof that
19 the entity is legally recognized, such as the issuance of a
20 corporate charter;

21 2. Any person, otherwise qualified, may own a private
22 investigation agency; and

23 3. A self-employed private investigator who employs no other
24 investigators shall also be licensed as an investigative agency, but

1 shall only be required to be insured or bonded as a self-employed
2 private investigator.

3 H. A Security Guard License, Armed Security Guard License,
4 Private Investigator License, Armed Private Investigator License, or
5 combination thereof may be issued to an applicant meeting the
6 following qualifications. The applicant shall:

7 1. Be a citizen of the United States or an alien legally
8 residing in the United States;

9 2. Be at least eighteen (18) years of age, except that an
10 applicant for an Armed Security Guard License shall be at least
11 twenty-one (21) years of age;

12 3. Have successfully completed training requirements for the
13 license applied for, as prescribed by the Council;

14 4. Be of good moral character;

15 5. Not have a record of a felony conviction;

16 6. Not have a record of conviction for larceny, theft, false
17 pretense, fraud, embezzlement, false personation of an officer, any
18 offense involving moral turpitude, any offense involving a minor as
19 a victim, any nonconsensual sex offense, any offense involving the
20 possession, use, distribution, or sale of a controlled dangerous
21 substance, any offense involving a firearm, or any other offense as
22 prescribed by the Council, as provided herein.

23 a. If any conviction which disqualifies an applicant
24 occurred more than five (5) years prior to the

1 application date and the Council is convinced the
2 offense constituted an isolated incident and the
3 applicant has been rehabilitated, the Council may, in
4 its discretion, waive the conviction disqualification
5 as provided for in this paragraph and issue an unarmed
6 security guard license or a private investigator
7 license, but shall not issue an armed guard license,
8 to the applicant if ~~the applicant is otherwise~~
9 ~~qualified, unless~~ the felony involved the use of a
10 firearm or was violent in nature.

11 b. If an Oklahoma State Bureau of Investigation records
12 check and a local records check reveal that there are
13 no felony convictions, criminal convictions involving
14 moral turpitude, or any other disqualifying
15 convictions as specified in the Oklahoma Security
16 Guard and Private Investigator Act or prescribed by
17 the Council, then the Council may conditionally issue
18 an armed security guard license pending completion of
19 the criminal history and background check.

20 c. Under oath, the applicant shall certify that he or she
21 has no disqualifying convictions as specified in the
22 Oklahoma Security Guard and Private Investigator Act
23 or by the Council.
24

1 d. The applicant shall further meet all other
2 qualifications.

3 e. If upon completion of the required background
4 investigation it is discovered that a disqualifying
5 conviction exists, the Council shall immediately
6 revoke the armed guard license of the applicant;

7 7. Make a statement that the applicant is not currently
8 undergoing treatment for a mental illness, condition, or disorder,
9 make a statement whether the applicant has ever been adjudicated
10 incompetent or committed to a mental institution, and make a
11 statement regarding any history of illegal drug use or alcohol
12 abuse. Upon presentation by the Council on Law Enforcement
13 Education and Training of the name, gender, date of birth, and
14 address of the applicant to the Department of Mental Health and
15 Substance Abuse Services, the Department of Mental Health and
16 Substance Abuse Services shall notify the Council within ten (10)
17 days whether the computerized records of the Department indicate the
18 applicant has ever been involuntarily committed to an Oklahoma state
19 mental institution. For purposes of this subsection, "currently
20 undergoing treatment for a mental illness, condition, or disorder"
21 means the person has been diagnosed by a licensed physician or
22 psychologist, as being afflicted with a substantial disorder of
23 thought, mood, perception, psychological orientation, or memory that
24 significantly impairs judgment, behavior, capacity to recognize

1 reality, or ability to meet the ordinary demands of life and such
2 condition continues to exist; and

3 8. Make a statement regarding misdemeanor domestic violence
4 charges.

5 I. A special event license may be issued to an employee of a
6 security agency who is hired on a temporary basis as an unarmed
7 security guard for a particular event. An application for a special
8 event license shall be made by the agency employing the applicant.
9 The agency shall certify to the Council that the applicant meets the
10 qualifications for security guards, pursuant to subsection H of this
11 section.

12 J. 1. All persons and agencies shall obtain and maintain
13 liability coverage in accordance with the following minimum
14 standards:

- 15 a. general liability insurance coverage for bodily
16 injury, personal injury, and property damage, with
17 endorsements for personal injury including false
18 arrest, libel, slander, and invasion of privacy, or
19 b. a surety bond that allows persons to recover for
20 actionable injuries, loss, or damage as a result of
21 the willful, or wrongful acts or omissions of the
22 principal and protects this state, its agents,
23 officers and employees from judgments against the
24 principal or insured licensee, and is further

1 conditioned upon the faithful and honest conduct of
2 the principal's business.

3 2. Liability coverages and bonds outlined in this section shall
4 be in the minimum amounts of One Hundred Thousand Dollars
5 (\$100,000.00) for agencies, Ten Thousand Dollars (\$10,000.00) for
6 armed security guards and armed private investigators, or
7 combination armed license; and Five Thousand Dollars (\$5,000.00) for
8 unarmed security guards and self-employed unarmed private
9 investigators who employ no other investigators.

10 3. Security agencies and investigative agencies shall ensure
11 that all employees of these agencies have met the minimum liability
12 coverages as prescribed in this section.

13 4. Insurance policies and bonds issued pursuant to this section
14 shall not be modified or canceled unless ten (10) days' prior
15 written notice is given to the Council. All persons and agencies
16 insured or bonded pursuant to this section shall be insured or
17 bonded by an insurance carrier or a surety company licensed in the
18 state in which the insurance or bond was purchased, or in this
19 state.

20 5. In lieu of the requirements of this subsection, the Council
21 may accept a written statement from a corporation which is
22 registered with the Oklahoma Secretary of State attesting that the
23 corporation self-insures the general operation of business for the
24 types of liability set out in paragraphs 1 and 2 of this subsection.

1 K. Upon written notice, any license may be placed on inactive
2 status.

3 L. Similar or duplicate agency names will not be issued. Each
4 agency name must be distinguishably different.

5 SECTION 25. AMENDATORY 59 O.S. 2011, Section 1750.14, is
6 amended to read as follows:

7 Section 1750.14 A. Except as provided in subsection C of this
8 section, any person who is not a resident of this state who
9 apprehends in this state, or attempts to apprehend, a defendant, who
10 has failed to appear before any court of this state or another state
11 or any federal court as required by law and has forfeited bail,
12 shall be required to be accompanied at the time of the apprehension
13 by a peace officer or a person licensed in this state as a bail
14 ~~bondsman~~ enforcer pursuant to the Bail Enforcement and Licensing
15 Act.

16 B. Any person who violates the provisions of this section shall
17 be guilty of a ~~misdemeanor~~ violation of the Bail Enforcement and
18 Licensing Act and shall be punished as provided in Section 4 of this
19 act.

20 C. The provisions of this section shall not apply to law
21 enforcement officers of any jurisdiction.

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1 SECTION 26. This act shall become effective November 1, 2012.

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