

1 **SENATE FLOOR VERSION**

2 February 28, 2012

3 As Amended

4 SENATE BILL NO. 1872

5 By: Shortey of the Senate

6 and

7 Faught of the House

8 **[bounty hunters - creating the Professional Bounty**
9 **Hunter Licensing Act - license - codification -**
10 **effective date]**

11
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 1350.1 of Title 59, unless there
15 is created a duplication in numbering, reads as follows:

16 This act shall be known and may be cited as the "Professional
17 Bounty Hunter Licensing Act".

18 SECTION 2. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 1350.2 of Title 59, unless there
20 is created a duplication in numbering, reads as follows:

21 A. For purposes of the Professional Bounty Hunter Licensing
22 Act, "bounty hunter" means a person qualified and licensed in this
23 state who for a fee, hire or reward or as an agent of a professional
24 bondsman, judicial officer, court of record, or a law enforcement

1 agency engages in or assists in the apprehension, arrest, detention,
2 confinement, surrender or securing of any person who is a felony
3 fugitive from justice, a felony escapee, a suspect in a capital
4 case, or a person who has absconded or eluded surrender, arrest or
5 return to custody, jurisdiction or appearance for a felony offense
6 pursuant to an arrest warrant, or for breach of undertaking of a
7 bail bond for more than one hundred eighty (180) days on a felony
8 offense, or failure to appear on personal recognizance for a felony
9 offense.

10 The term shall mean and include any person who owns or operates
11 any agency, firm, association, corporation or other entity which is
12 organized primarily for the purpose of engaging in any of the above
13 enumerated activities, and to any employee, agent, associate or
14 subcontractor of any such agency, firm, association, corporation or
15 other entity who performs any of the functions, activities or
16 services of a bounty hunter as described in the Professional Bounty
17 Hunter Licensing Act.

18 The term shall not mean or include, and nothing in the
19 Professional Bounty Hunter Licensing Act shall apply to, any law
20 enforcement officer of this state, or of any political subdivision
21 of this state, while in the actual performance of his or her duties;
22 any officer or employee of any law enforcement agency of the United
23 States or of any state, territory, or possession of the United
24 States, while in the actual performance of his or her duties; or any

1 bail bondsman in possession of a valid license in this state while
2 in the actual performance of his or her duties according to Section
3 1301 et seq. of Title 59 of the Oklahoma Statutes.

4 B. No person shall act or represent himself or herself as a
5 bounty hunter in this state unless the person is qualified and
6 licensed pursuant to the provisions of the Professional Bounty
7 Hunter Licensing Act.

8 C. The provisions of the Professional Bounty Hunter Licensing
9 Act shall only apply to the regulation for:

10 1. Apprehension of a felony fugitive from justice;

11 2. Apprehension of an escapee from custody of a prison, jail,
12 or other facility which processes, detains or provides treatment or
13 housing for felony arrestees or convicted felony offenders, or both;

14 3. Apprehension of an escapee from custody, transport, or
15 detention for a felony offense from any law enforcement officer;

16 4. Apprehension of a person pursuant to a felony arrest warrant
17 for which the person has absconded or eluded arrest or surrender for
18 a period of one hundred eighty (180) days or more;

19 5. Apprehension of a suspect or defendant for a capital
20 offense; or

21 6. Breach of the undertaking of bail bond for a felony offense
22 for which the bondsman has been unable to apprehend, return or
23 surrender the person for more than one hundred eighty (180) days.

24

1 SECTION 3. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1350.3 of Title 59, unless there
3 is created a duplication in numbering, reads as follows:

4 A. The Council on Law Enforcement Education and Training
5 (CLEET) shall promulgate rules, forms and procedures establishing
6 the qualifications and licensing of professional bounty hunters in
7 this state. In addition to other provisions, the rules shall
8 provide for all bounty hunters to be CLEET-certified with a minimum
9 of five (5) years' law enforcement experience or equivalent training
10 recognized by CLEET.

11 B. The annual and renewal license fee for a professional bounty
12 hunter shall be Two Hundred Fifty Dollars (\$250.00) payable to CLEET
13 not later than the last day of the birth month of the applicant.

14 SECTION 4. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 1350.4 of Title 59, unless there
16 is created a duplication in numbering, reads as follows:

17 A. The following persons or classes of persons shall not be
18 eligible for licensure as professional bounty hunters in this state
19 and shall not directly or indirectly receive any benefit from the
20 execution of any bail bond or reward:

21 1. Persons convicted of, or who have pled guilty or nolo
22 contendere to, a felony offense or to a misdemeanor involving
23 dishonesty or moral turpitude;

24 2. Jailers;

- 1 3. Police officers;
- 2 4. Committing judges;
- 3 5. Municipal or district court judges;
- 4 6. District attorneys or employees of an office of the district
5 attorney in any county of this state;
- 6 7. Prisoners;
- 7 8. Sheriffs, deputy sheriffs and any person having the power to
8 arrest or having anything to do with the control of federal, state,
9 county or municipal prisoners;
- 10 9. Any person who possesses a permit pursuant to the provisions
11 of Section 163.11 of Title 37 of the Oklahoma Statutes or is an
12 officer, director or stockholder of any corporation holding such a
13 permit;
- 14 10. Any person who is an agent or owner of any establishment at
15 which low-point beer as defined by Section 163.2 of Title 37 of the
16 Oklahoma Statutes is sold for on-premises consumption;
- 17 11. Any person who holds any license provided for in Section
18 518 of Title 37 of the Oklahoma Statutes or is an agent or officer
19 of any such licensee, except for an individual holding an employee
20 license pursuant to paragraph 20 of subsection A of Section 518 of
21 Title 37 of the Oklahoma Statutes;
- 22 12. Any person who holds any license or permit from any city,
23 town, county, or other governmental subdivision for the operation of
24

1 any private club at which alcoholic beverages are consumed or
2 provided; and

3 13. Any person or agent of a retail liquor package store.

4 B. This section shall not apply to a sheriff, deputy sheriff,
5 police officer, or other officer of the law who assists in the
6 apprehension of a person.

7 C. Nothing in the Professional Bounty Hunter Licensing Act
8 shall be construed to prohibit a bail bondsman from being licensed
9 both as a bondsman in this state and a professional bounty hunter
10 pursuant to the provisions of the Professional Bounty Hunter
11 Licensing Act.

12 SECTION 5. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 1350.5 of Title 59, unless there
14 is created a duplication in numbering, reads as follows:

15 Every professional bounty hunter who holds a valid license in
16 this state shall have access to the jails of this state for purpose
17 of surrendering persons apprehended pursuant to law, subject to the
18 rules adopted pursuant to the provisions of the Professional Bounty
19 Hunter Licensing Act.

20 SECTION 6. This act shall become effective November 1, 2012.

21 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS & COMMERCE, dated 2-23-12
22 - DO PASS, As Amended and Coauthored.

23
24