STATE OF OKLAHOMA

2nd Session of the 53rd Legislature (2012)

SENATE BILL 1673 By: Allen

AS INTRODUCED

An Act relating to professions and occupations; amending 59 O.S. 2011, Section 1320, which relates to bail bondsmen; modifying language; removing limitation on number of bonds written; clarifying procedure to write bonds in certain counties; providing for renewal of in certain counties; requiring certain list of bondsmen for certain purpose; authorizing court to set bail under certain condition; 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. 2011, Section 1320, is amended to read as follows:

Section 1320. A. No bail bondsman shall become a surety on an undertaking unless ~~he~~ the bondsman has first registered his or her license in the office of the sheriff and with the clerk of the district court in the county in which the bondsman resides ~~or offices, but not both~~. In the county in which a bondsman registers his or her license, ~~he~~ the bondsman shall provide the sheriff and court clerk with proof that he or she is a resident of ~~said~~ the county ~~or that he offices in said county. The court clerk of the~~

~~county shall provide a list of bondsmen permitted to write surety in that county to the judges and law enforcement offices of that county. In any county not having a licensed bondsman authorized to do business within said county, the court having jurisdiction shall allow and fix bail~~. A surety bondsman shall also file a certified copy of his or her appointment by power of attorney from the insurer or professional bondsman which he or she represents as agent with each of ~~said~~ the officers. A fee of Ten Dollars ($10.00) shall be paid to the district court clerk for ~~each~~ the county in which the bail bondsman registers his or her license. The fee shall be payable annually by the date of license renewal. The clerk of the district court and the sheriff shall not permit the registration of a bail bondsman unless ~~such~~ the bondsman is currently licensed by the Insurance Commissioner under the provisions of Section 1301 et seq. of this title.

B. ~~Notwithstanding the foregoing provisions of this section, a~~ Following the registration of a license pursuant to subsection A of this section, the bondsman may write surety bonds ~~on no more than ten defendants per year~~ in his or her county of residence and in each of the remaining seventy-six counties of this state ~~in which the bondsman cannot register his license~~. Provided, however, a bondsman shall ~~not be limited to writing bonds on only ten defendants per year in a county which does not have a licensed bondsman registered in said county. The bondsman shall advise the~~

~~court clerk of each such county in writing of his intention to write bonds in the county and shall~~ file a certified copy of his or her license with the district court clerk for each county in which the bondsman intends to write surety bonds, other than in his or her county of residence, and pay a fee of Ten Dollars ($10.00) to each such court clerk before being authorized to write surety bonds in that county. The fee and filing required by this subsection may be renewed annually in the same manner for each county in which a bondsman will continue to write surety bonds upon renewal of his or her license.

C. The clerk of the district court in each county shall provide a list of bondsmen permitted to write surety in that county to the judges and law enforcement offices of that county. In any county not having a licensed bondsman authorized to do business within the county, the court having jurisdiction shall allow and fix bail.

SECTION 2. This act shall become effective July 1, 2012.

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.

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