

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1872

By: Shortey

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5  
6 AS INTRODUCED

7 An Act relating to bounty hunters; creating the  
8 Professional Bounty Hunter Licensing Act; providing  
9 short title; defining term; prohibiting bounty  
10 hunting without licensure; regulating certain acts  
11 requiring licensure; directing the Council on Law  
12 Enforcement Education and Training to promulgate  
13 certain rules, forms and procedures; stating minimal  
14 qualifications and training; designating licensed  
15 professional bounty hunters peace officers; granting  
16 statewide jurisdiction and authority; setting license  
17 fee; prohibiting license eligibility for certain  
18 persons and classes of persons; providing exception  
19 for certain law enforcement officers; permitting bail  
20 bondsman to hold dual licenses; providing certain  
21 access to jails for certain purpose; providing for  
22 codification; and providing an effective date.  
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BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

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

4 A. For purposes of the Professional Bounty Hunter Licensing  
5 Act, "bounty hunter" means a person qualified and licensed in this  
6 state who for a fee, hire or reward or as an agent of a professional  
7 bondsman, judicial officer, court of record, or a law enforcement  
8 agency engages in or assists in the apprehension, arrest, detention,  
9 confinement, surrender or securing of any person who is a felony  
10 fugitive from justice, a felony escapee, a suspect in a capital  
11 case, or a person who has absconded or eluded surrender, arrest or  
12 return to custody, jurisdiction or appearance for a felony offense  
13 pursuant to an arrest warrant, or for breach of undertaking of a  
14 bail bond for more than one hundred eighty (180) days on a felony  
15 offense, or failure to appear on personal recognizance for a felony  
16 offense.

17 The term shall mean and include any person who owns or operates  
18 any agency, firm, association, corporation or other entity which is  
19 organized primarily for the purpose of engaging in any of the above  
20 enumerated activities, and to any employee, agent, associate or  
21 subcontractor of any such agency, firm, association, corporation or  
22 other entity who performs any of the functions, activities or  
23 services of a bounty hunter as described in the Professional Bounty  
24 Hunter Licensing Act.

1       The term shall not mean or include, and nothing in the  
2 Professional Bounty Hunter Licensing Act shall apply to, any law  
3 enforcement officer of this state, or of any political subdivision  
4 of this state, while in the actual performance of his or her duties;  
5 any officer or employee of any law enforcement agency of the United  
6 States or of any state, territory, or possession of the United  
7 States, while in the actual performance of his or her duties; or any  
8 bail bondsman in possession of a valid license in this state while  
9 in the actual performance of his or her duties according to Section  
10 1301 et seq. of Title 59 of the Oklahoma Statutes.

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

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

17       1. Apprehension of a felony fugitive from justice;

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

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

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

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

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

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

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

19 B. Professional bounty hunters who meet the qualifications and  
20 training for licensure in this state and who possess a valid license  
21 pursuant to the Professional Bounty Hunter Licensing Act shall be  
22 deemed peace officers with statewide jurisdiction and shall have the  
23 authority and duties vested in peace officers by statute and the  
24 rules promulgated for professional bounty hunters.

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

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

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

11 1. Persons convicted of, or who have pled guilty or nolo  
12 contendere to, a felony offense or to a misdemeanor involving  
13 dishonesty or moral turpitude;

14 2. Jailers;

15 3. Police officers;

16 4. Committing judges;

17 5. Municipal or district court judges;

18 6. District attorneys or employees of an office of the district  
19 attorney in any county of this state;

20 7. Prisoners;

21 8. Sheriffs, deputy sheriffs and any person having the power to  
22 arrest or having anything to do with the control of federal, state,  
23 county or municipal prisoners;

1           9. Any person who possesses a permit pursuant to the provisions  
2 of Section 163.11 of Title 37 of the Oklahoma Statutes or is an  
3 officer, director or stockholder of any corporation holding such a  
4 permit;

5           10. Any person who is an agent or owner of any establishment at  
6 which low-point beer as defined by Section 163.2 of Title 37 of the  
7 Oklahoma Statutes is sold for on-premises consumption;

8           11. Any person who holds any license provided for in Section  
9 518 of Title 37 of the Oklahoma Statutes or is an agent or officer  
10 of any such licensee, except for an individual holding an employee  
11 license pursuant to paragraph 20 of subsection A of Section 518 of  
12 Title 37 of the Oklahoma Statutes;

13           12. Any person who holds any license or permit from any city,  
14 town, county, or other governmental subdivision for the operation of  
15 any private club at which alcoholic beverages are consumed or  
16 provided; and

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

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

21           C. Nothing in the Professional Bounty Hunter Licensing Act  
22 shall be construed to prohibit a bail bondsman from being licensed  
23 both as a bondsman in this state and a professional bounty hunter  
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1 pursuant to the provisions of the Professional Bounty Hunter  
2 Licensing Act.

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

6 Every professional bounty hunter who holds a valid license in  
7 this state shall have access to the jails of this state for purpose  
8 of surrendering persons apprehended pursuant to law, subject to the  
9 rules adopted pursuant to the provisions of the Professional Bounty  
10 Hunter Licensing Act.

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

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