

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 1013 By: Shortey of the Senate  
3 and  
4 Joyner of the House  
5  
6

7 [ professions and occupations - Bail Enforcement and  
8 Licensing Act - bail bondsmen - private  
9 investigators, security guards, and CLEET -  
nonresident bail enforcers - codification - effective  
date ]

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12 AMENDMENT NO. 1. Page 1, line 12, strike the enacting clause

13 Passed the House of Representatives the 22nd day of April, 2013.

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16 \_\_\_\_\_  
Presiding Officer of the House of  
Representatives

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18 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2013.

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21 \_\_\_\_\_  
Presiding Officer of the Senate

1 ENGROSSED SENATE  
2 BILL NO. 1013

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7 [ professions and occupations - Bail Enforcement and  
8 Licensing Act - bail bondsmen - private  
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nonresident bail enforcers - codification - effective  
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10

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 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 "Bail  
17 Enforcement and Licensing Act".

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

21 As used in the Bail Enforcement and Licensing Act:

22 1. "Armed bail enforcer" means a bail enforcer having a valid  
23 license issued by the Council on Law Enforcement Education and  
24 Training authorizing the holder to carry an approved pistol or

1 offensive weapon in the recovery of a defendant pursuant to the Bail  
2 Enforcement and Licensing Act;

3 2. "Bail enforcer" means a person who acts, engages in,  
4 solicits or offers services to:

5 a. execute a prior to breach recovery of a defendant on  
6 an undertaking or bail bond contract, or

7 b. execute a recovery of a defendant for failure to  
8 appear on an undertaking or bail bond contract issued  
9 in this state, another state or the United States.

10 The term "bail enforcer" does not include any law enforcement  
11 officer actively employed by a law enforcement agency recognized in  
12 this state, or any of its political subdivisions, another state or  
13 the United States, while such officer is engaged in the lawful  
14 performance of duties authorized by his or her employing law  
15 enforcement agency or a bondsman licensed in this state and acting  
16 under the authority of his or her undertaking or bail contract;

17 3. "Bail recovery agency" means any self-employed individual  
18 who performs the services of a bail enforcer for a client, or a sole  
19 proprietor, partnership, firm, corporation or other private legal  
20 entity that employs or contracts with one or more individuals to  
21 perform the services of a bail enforcer. Only a bail recovery  
22 agency licensed by the Council may enter into a client contract to  
23 perform the services of a bail enforcer. A bail recovery agency is  
24 liable for its acts and omissions and those of its employees and

1 contractors while executing a recovery of a defendant pursuant to a  
2 client contract;

3 4. "Client" means a bondsman or surety on an undertaking or  
4 bail bond contract issued in this state, another state or the United  
5 States that enters into a contract for the services of a bail  
6 enforcer;

7 5. "Council" or "CLEET" means the Council on Law Enforcement  
8 Education and Training;

9 6. "Defendant" means the principal on an undertaking or bail  
10 bond contract;

11 7. "License" means authorization issued by the Council pursuant  
12 to the Bail Enforcement and Licensing Act permitting the holder to  
13 perform functions and services as a bail enforcer or bail recovery  
14 agency;

15 8. "Offensive weapon" means taser, stun gun, baton, night  
16 stick, or toxic substances as defined in paragraph 10 of this  
17 subsection;

18 9. "Recovery" or "surrender" means the presentation of a  
19 defendant to the public officer competent to receive the defendant  
20 into custody; and

21 10. "Toxic substance" means pepper spray or mace.

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

1       A. On and after March 1, 2014, no person shall act or engage  
2 in, solicit or offer services, or represent himself or herself, as a  
3 bail enforcer or bail recovery agency as defined by the Bail  
4 Enforcement and Licensing Act without first having been issued a  
5 valid license by the Council on Law Enforcement Education and  
6 Training.

7       B. On or after March 1, 2014, any person who shall act or  
8 engage in, solicit or offer services, or represent himself or  
9 herself, as a bail enforcer or bail recovery agency without a valid  
10 license issued by the Council shall be guilty of a felony, upon  
11 conviction, punishable by a fine in an amount not exceeding Ten  
12 Thousand Dollars (\$10,000.00), or by imprisonment in the custody of  
13 the Department of Corrections for a term of not more than three (3)  
14 years, or by both such fine and imprisonment.

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

24

1 SECTION 4. 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. Any person who is prohibited from being licensed as a bail  
5 bondsman as provided in subsection A of Section 1315 of Title 59 of  
6 the Oklahoma Statutes shall be prohibited from being licensed as a  
7 bail enforcer or bail recovery agency pursuant to the Bail  
8 Enforcement and Licensing Act. In addition, a district attorney, or  
9 any employee of an office of a district attorney, or any employee of  
10 the Department of Corrections shall be prohibited from being  
11 licensed as a bail enforcer or bail recovery agency.

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

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

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

23 B. It shall be unlawful for a bail enforcer or bail recovery  
24 agency licensed in this state to assist, aid or conspire with an

1 | unlicensed person, or a person whose license as a bail enforcer or  
2 | bail recovery agency or bail bondsman has been suspended, revoked,  
3 | surrendered or denied, to engage in any function or service as a  
4 | bail enforcer.

5 |       C. Any violation of this section shall be a violation of the  
6 | Bail Enforcement and Licensing Act which is punishable as provided  
7 | in Section 3 of this act.

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

11 |       A. Notwithstanding any provision in Section 643 of Title 21 of  
12 | the Oklahoma Statutes, the use or attempt to use force by a bail  
13 | enforcer in the recovery of a defendant as defined in the Bail  
14 | Enforcement and Licensing Act is prohibited when unnecessarily  
15 | committed or when the force is excessive or unreasonable in manner,  
16 | degree or duration.

17 |       B. Every bail enforcer shall be trained on the use of force  
18 | continuum and the rules for use of force promulgated for the Bail  
19 | Enforcement and Licensing Act.

20 |       C. No force shall be authorized which is more than sufficient  
21 | to temporarily restrain a defendant who has refused to obey a lawful  
22 | command to surrender to the bail enforcer. The duration and manner  
23 | of any force used by a bail enforcer shall be only that reasonably  
24 |

1 necessary to surrender the defendant to the public officer competent  
2 to receive such person into custody.

3 D. Any force used by a bail enforcer in self-defense while  
4 recovering a defendant or to defend another from injury or threat of  
5 injury while recovering a defendant shall be not more than  
6 sufficient to prevent an offense.

7 E. Any force deemed by the district attorney to be  
8 unnecessarily committed or excessive or unreasonable in manner,  
9 degree or duration may be prosecuted as a crime committed without  
10 justification or excusable cause under an existing provision of law.

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

14 Notwithstanding any other provision of law, it shall be unlawful  
15 for a bail enforcer to break into and enter the dwelling house of  
16 any defendant or third-party for purposes of recovery or attempted  
17 recovery of a defendant either:

18 1. By forcibly bursting or breaking the wall, or an outer door,  
19 window, or shutter of a window of such house or the lock or bolts of  
20 such door, or the fastening of such window or shutter;

21 2. By breaking in any other manner, being armed with a  
22 dangerous weapon or being assisted or aided by one or more persons  
23 then actually present; or  
24

1           3. By unlocking an outer door by means of false keys or by  
2 picking the lock thereof, or by lifting a latch or opening a window.

3           A person violating the provisions of this section shall be  
4 guilty of burglary in the first degree and, upon conviction,  
5 punished as provided in Section 1436 of Title 21 of the Oklahoma  
6 Statutes.

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

10          A. The Director of the Council on Law Enforcement Education and  
11 Training, and any staff member designated by the Director, shall  
12 have all the powers and authority of peace officers of this state  
13 for the purposes of enforcing the provisions of the Bail Enforcement  
14 and Licensing Act, and all other duties which are or may be  
15 conferred upon the Council by the Bail Enforcement and Licensing  
16 Act. The powers and duties conferred on the Director or any staff  
17 member appointed by the Director as a peace officer shall not limit  
18 the powers and duties of other peace officers of this state or any  
19 political subdivision thereof. Nothing in the Bail Enforcement and  
20 Licensing Act shall be construed to restrict the Director from  
21 appointing the same staff members as peace officers to enforce both  
22 the Oklahoma Security Guard and Private Investigator Act and the  
23 Bail Enforcement and Licensing Act.

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

- 1           1. To promulgate rules and forms to implement, enforce and  
2 carry out the purposes of the Bail Enforcement and Licensing Act;
- 3           2. To establish and enforce standards governing the training of  
4 persons required to be licensed pursuant to the Bail Enforcement and  
5 Licensing Act with respect to:
- 6           a. issuing, denying, or revoking certificates of approval  
7           to bail enforcement training schools, and programs  
8           administered by the state, a county, a municipality, a  
9           private corporation, or an individual,
- 10          b. certifying instructors at approved bail enforcement  
11          training schools,
- 12          c. establishing minimum requirements for bail enforcement  
13          training schools and periodically reviewing these  
14          standards, and
- 15          d. providing for periodic inspection of all bail  
16          enforcement training schools or programs;
- 17          3. To establish minimum curriculum requirements for training as  
18 the Council may require for bail enforcers, armed bail enforcers and  
19 bail recovery agencies. Training requirements for unarmed bail  
20 enforcers shall be not less than forty (40) hours of instruction  
21 which shall be in addition to the Phase I, II, and III training  
22 requirements. Training requirements for armed bail enforcers shall  
23 be the same as for unarmed bail enforcers plus Phase IV firearm and  
24 offensive weapons training;

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

- 4 a. establishing a designated minimum number of clock  
5 hours of required attendance, not less than twenty-  
6 four (24) clock hours during the licensing period, at  
7 accredited educational functions,
- 8 b. establishing the penalties to be imposed upon a  
9 licensee for failure to comply with the continuing  
10 education requirements, and
- 11 c. providing that the expense of such continuing  
12 education shall be paid by the licensee participating  
13 therein;

14 5. To grant a waiver of any training requirement, except  
15 firearms training and offensive weapons training which shall be  
16 required for an armed bail enforcer license, unless the applicant  
17 has completed at least one (1) year of full-time employment as an  
18 armed security guard, armed private investigator, or CLEET-certified  
19 law enforcement officer within the three-year period immediately  
20 preceding the date of application and the applicant provides  
21 sufficient documentation thereof as may be required by the Council;

22 6. To grant an applicant credit for fulfilling any prescribed  
23 course or courses of training, including firearms training, upon  
24

1 submission of acceptable documentation of comparable training. The  
2 Council may grant or refuse any such credit at its discretion;

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

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

10 9. To investigate alleged violations of the Bail Enforcement  
11 and Licensing Act by persons not licensed in this state as bail  
12 enforcers and to impose administrative sanctions pursuant to rule,  
13 to seek injunctions pursuant to Section 1750.2A of Title 59 of the  
14 Oklahoma Statutes, or seek criminal prosecution, or any and all of  
15 the foregoing;

16 10. To provide all forms for applications, identification  
17 cards, and licenses required by the Bail Enforcement and Licensing  
18 Act;

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

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

24

1 C. The Council shall use staff and resources established for  
2 the Oklahoma Security Guard and Private Investigator Act to  
3 implement, administer and enforce the Bail Enforcement and Licensing  
4 Act and may additionally use funds available from the CLEET Bail  
5 Enforcement Revolving Fund created pursuant to Section 21 of this  
6 act for necessary financial support for the Bail Enforcement and  
7 Licensing Act.

8 D. Nothing in the Bail Enforcement and Licensing Act or the  
9 Oklahoma Security Guard and Private Investigator Act shall be  
10 construed to prohibit the Council from authorizing approved training  
11 schools or individuals to conduct combined education or training for  
12 security guards, private investigators and bail enforcers, including  
13 Phases I, II, III and IV training.

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

17 A. Each applicant for a bail enforcer license shall be  
18 administered any current standard form of the Minnesota Multiphasic  
19 Personality Inventory (MMPI), or other psychological evaluation  
20 instrument approved by the Council on Law Enforcement Education and  
21 Training, which shall be administered in conjunction with training  
22 in Phase I required by the Bail Enforcement and Licensing Act. The  
23 bail enforcer training school administering such instrument shall  
24 forward the response data to a psychologist licensed by the State

1 Board of Examiners of Psychologists for evaluation. The licensed  
2 psychologist shall be of the applicant's choice. It shall be the  
3 responsibility of the applicant to bear the cost of the  
4 psychological evaluation. No bail enforcer license shall be issued  
5 unless the applicant meets the standards established by the Council  
6 for psychological evaluation.

7 B. If the licensed psychologist is unable to certify the  
8 applicant's psychological capability to exercise appropriate  
9 judgment, restraint, and self-control, after evaluating the data,  
10 the psychologist shall employ whatever other psychological measuring  
11 instruments or techniques deemed necessary to form a professional  
12 opinion. The use of any psychological measuring instruments or  
13 techniques shall require a full and complete written explanation to  
14 the Council.

15 C. The psychologist shall forward a written psychological  
16 evaluation, on a form prescribed by the Council, to the Council  
17 within fifteen (15) days of the evaluation, even if the applicant is  
18 found to be psychologically at risk. The Council may utilize the  
19 results of the psychological evaluation for up to six (6) months  
20 from the date of the evaluation after which the applicant shall be  
21 reexamined. No person who has been found psychologically at risk in  
22 the exercise of appropriate judgment, restraint, or self-control  
23 shall reapply for certification until one (1) year from the date of  
24 being found psychologically at risk.

1 D. 1. Retired peace officers who have been certified by the  
2 Council shall be exempt from the provisions of this section for a  
3 period of one (1) year from retirement; provided there is no  
4 evidence of an inability to exercise appropriate judgment,  
5 restraint, and self-control during prior active duty as a law  
6 enforcement officer and upon subsequent retirement.

7 2. Retired peace officers who are not exempt from this section  
8 and who have previously undergone treatment for a mental illness,  
9 condition, or disorder which required medication or supervision, as  
10 defined by paragraph 7 of Section 1290.10 of Title 21 of the  
11 Oklahoma Statutes, shall not be eligible to apply for a bail  
12 enforcer license except upon presentation of a certified statement  
13 from a licensed physician stating that the person is no longer  
14 disabled by any mental or psychiatric illness, condition, or  
15 disorder.

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

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

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

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

2 3. Have a high school diploma or GED and have successfully  
3 completed the training and psychological evaluation requirements for  
4 the license applied for, as prescribed by the Council on Law  
5 Enforcement Education and Training;

6 4. Be of good moral character;

7 5. Have no final victim protection orders issued in any state  
8 as a defendant;

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

11 7. Have no record of conviction for assault or battery,  
12 aggravated assault or battery, larceny, theft, false pretense,  
13 fraud, embezzlement, false personation of an officer, any offense  
14 involving moral turpitude, any offense involving a minor as a  
15 victim, any nonconsensual sex offense, any offense involving the  
16 possession, use, distribution, or sale of a controlled dangerous  
17 substance, any offense of driving while intoxicated or driving under  
18 the influence of intoxicating substance, any offense involving a  
19 firearm, or any other offense as prescribed by the Council.

20 a. If any conviction which disqualifies an applicant  
21 occurred more than five (5) years prior to the  
22 application date and the Council is convinced the  
23 offense constituted an isolated incident and the  
24 applicant has been rehabilitated, the Council may, in

1 its discretion, waive the conviction disqualification  
2 as provided for in this paragraph and issue an unarmed  
3 bail enforcer license, but shall not issue an armed  
4 bail enforcer license if the offense involved the use  
5 of a firearm, was violent in nature, or was a felony  
6 offense other than a driving offense.

7 b. Under oath, the applicant shall certify that he or she  
8 has no disqualifying convictions as specified in the  
9 Bail Enforcement and Licensing Act or by rule of the  
10 Council.

11 c. The applicant shall further meet all other  
12 qualifications, including, but not limited to, the  
13 requirement to provide CLEET and the Oklahoma State  
14 Bureau of Investigation with individual fingerprints  
15 for a state and national criminal history records  
16 search and a current individual photograph with the  
17 completed CLEET application for a bail enforcer  
18 license.

19 d. If upon completion of the required background  
20 investigation it is discovered that a disqualifying  
21 conviction exists, the Council shall immediately  
22 revoke or deny the bail enforcer license of the  
23 applicant;

24

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

20           9. Make a statement regarding any misdemeanor domestic violence  
21 charges;

22           10. Provide proof of liability insurance or an individual bond  
23 in a minimum amount established by the Bail Enforcement and  
24 Licensing Act; and

1 11. Provide proof of a verifiable offer of employment by a  
2 licensed bail recovery agency conditioned upon the issuance of a  
3 valid bail enforcer license, or a statement of self-employment as a  
4 sole proprietor bail recovery agency.

5 B. A bail recovery agency license may be issued to an  
6 individual, partnership, firm, corporation, or other legal entity  
7 meeting all the individual requirements for a bail enforcer and the  
8 following:

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

13 2. Any person, otherwise qualified, may own a bail recovery  
14 agency;

15 3. A self-employed bail enforcer who employs no other bail  
16 enforcers must be licensed as a bail recovery agency;

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

22 5. Only a licensed bail recovery agency may accept a client  
23 contract to perform the services of a bail enforcer;

1           6. The executive officer or owner of the business operations  
2 for a bail recovery agency shall be a resident of this state and  
3 shall be required to:

- 4           a. maintain and furnish a current list of all persons  
5 acting as bail enforcers for the agency, including  
6 both employees and contract self-employed bail  
7 enforcers/bail recovery agencies, and agree to notify  
8 the Council of each termination, hire or new  
9 contractor, within the time period and manner  
10 specified by the rules promulgated for the Bail  
11 Enforcement and Licensing Act, and
- 12           b. maintain complete records of all clients, defendants  
13 and apprehensions, and agree such records shall be  
14 available to CLEET for inspection at any time during  
15 regular business hours; and

16           7. A natural person seeking a bail recovery agency license  
17 shall not have had his or her bail enforcer license denied,  
18 suspended or revoked and shall not have had any investigative agency  
19 license, or private investigator, security guard or bail bondsman  
20 license, or law enforcement certification, denied, suspended or  
21 revoked.

22           C. 1. All bail enforcers and bail recovery agencies shall  
23 obtain and maintain either a liability insurance policy or a surety  
24 bond that allows persons to recover for actionable injuries, loss,

1 or damage as a result of the willful, or wrongful acts or omissions  
2 of the principal licensee and protects this state, its agents,  
3 officers and employees from judgments against the principal  
4 licensee, and is further conditioned upon the faithful and honest  
5 conduct of the principal's business.

6 2. The liability insurance policy or surety bond required in  
7 this subsection shall be in the minimum amount of Ten Thousand  
8 Dollars (\$10,000.00).

9 3. A bail recovery agency shall ensure that all its employees  
10 and contractors have met the minimum liability insurance or surety  
11 bond requirements.

12 4. Liability insurance policies or bonds issued pursuant to  
13 this subsection shall not be modified or canceled unless ten (10)  
14 days' prior written notice is given to the Council. All persons and  
15 agencies insured or bonded pursuant to this subsection shall be  
16 insured by an insurance carrier or bonded by a surety company  
17 licensed and authorized to do business in the state. Failure to  
18 obtain and maintain sufficient liability insurance or bond as  
19 provided in the Bail Enforcement and Licensing Act shall be grounds  
20 for revocation of a license.

21 D. Upon written notice, any license may be placed on inactive  
22 status.

23

24

1 E. Similar or duplicate bail recovery agency names will not be  
2 issued. Each bail recovery agency name must be distinguishably  
3 different.

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

7 A. 1. Application for a bail enforcer or bail recovery agency  
8 license shall be made on forms provided by the Council on Law  
9 Enforcement Education and Training and shall be submitted in writing  
10 by the applicant under oath. The application shall require the  
11 applicant to furnish information reasonably required by the Council  
12 to implement the provisions of the Bail Enforcement and Licensing  
13 Act, including classifiable fingerprints to enable the search of  
14 criminal indices for evidence of a prior criminal record, including,  
15 but not limited to, a national criminal history record check as  
16 defined by Section 150.9 of Title 74 of the Oklahoma Statutes.

17 2. Upon request of the Council, the Oklahoma State Bureau of  
18 Investigation and other state and local law enforcement agencies  
19 shall furnish a copy of any existent criminal history data relating  
20 to an applicant to enable the Council to determine the  
21 qualifications and fitness of such applicant for a license.

22 B. 1. On and after March 1, 2014, the original application and  
23 any license renewal shall be accompanied by a fee of:

24

- a. Three Hundred Dollars (\$300.00) for an unarmed bail enforcer license who has verifiable employment with a licensed bail recovery agency,
- b. Four Hundred Dollars (\$400.00) for an armed bail enforcer license who has verifiable employment with a bail recovery agency,
- c. Five Hundred Dollars (\$500.00) for a self-employed bail enforcer/bail recovery agency license, or
- d. Six Hundred Dollars (\$600.00) for a bail recovery agency license issued to a legal business entity that employs or contracts with one or more licensed bail enforcers.

If an individual or agency does not qualify for the type of license or renewal license requested, the Council shall retain twenty percent (20%) of the licensing fee as a processing fee and refund the remaining amount to the individual or agency submitting payment. The individual license fee paid by a licensed agency will be refunded to the agency. In addition to the fees provided in this subsection, the original application for a bail enforcer license shall be accompanied by a nonrefundable fee for a national criminal history record check with fingerprint analysis, as provided in Section 150.9 of Title 74 of the Oklahoma Statutes.

2. A licensee whose license has been suspended may apply for reinstatement of license after the term of the suspension has

1 passed, if otherwise qualified. Any application for reinstatement  
2 following a suspension of licensure shall be accompanied by a  
3 nonrefundable fee of:

- 4 a. One Hundred Dollars (\$100.00) for the reinstatement of  
5 an unarmed bail enforcer license,
- 6 b. One Hundred Fifty Dollars (\$150.00) for an armed bail  
7 enforcer license, and
- 8 c. Two Hundred Dollars (\$200.00) for a self-employed bail  
9 enforcer/bail recovery agency or a bail recovery  
10 agency license.

11 A revoked license shall not be reinstated.

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

17 4. The fees charged and collected, including portions of fees  
18 retained as processing fees, pursuant to the provisions of this  
19 section shall be deposited to the credit of the CLEET Bail  
20 Enforcement Revolving Fund created pursuant to Section 21 of this  
21 act.

22 C. On and after March 1, 2014, a bail enforcer license or armed  
23 bail enforcer license shall be valid for a period of three (3) years  
24 and may be renewed for additional three-year terms. A bail recovery

1 agency license shall be valid for a period of three (3) years and  
2 may be renewed for additional three-year terms.

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

6 E. Pursuant to rule, the Council may issue a duplicate license  
7 to a person licensed pursuant to the provisions of the Bail  
8 Enforcement and Licensing Act. On and after March 1, 2014, the  
9 Council may assess a fee of Twenty-five Dollars (\$25.00) for the  
10 issuance of a duplicate license. The fee shall accompany the  
11 request for a duplicate license. All duplicate license fees shall  
12 be deposited to the credit of the CLEET Bail Enforcement Revolving  
13 Fund created pursuant to Section 21 of this act.

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

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

23

24

- 1        1. Any erroneous or false statement in an application for a  
2 license submitted pursuant to the Bail Enforcement and Licensing Act  
3 or rules promulgated pursuant thereto;
- 4        2. Failure to successfully complete any prescribed phase or  
5 course of training as required by the Council;
- 6        3. Violation of any provision of the Bail Enforcement and  
7 Licensing Act or any rule promulgated pursuant thereto;
- 8        4. A conviction for assault or battery, aggravated assault or  
9 battery, larceny, theft, false pretense, fraud, embezzlement, false  
10 personation of an officer, any offense involving moral turpitude,  
11 any offense involving a minor as a victim, any nonconsensual sex  
12 offense, any offense involving the possession, use, distribution, or  
13 sale of a controlled dangerous substance, any offense of driving  
14 while intoxicated or driving under the influence of intoxicating  
15 substance, any offense involving a firearm, or any other offense as  
16 proscribed by the Council;
- 17        5. Use of beverages containing alcohol while armed with a  
18 firearm;
- 19        6. Knowingly impersonating a law enforcement officer;
- 20        7. Improper use of force pursuant to the Bail Enforcement and  
21 Licensing Act;
- 22        8. Failure to carry and possess proper license, identification  
23 or documents required by the Bail Enforcement and Licensing Act or  
24 any rules promulgated pursuant thereto;

1 9. Improper apparel or vehicle as required pursuant to the Bail  
2 Enforcement and Licensing Act;

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

5 11. Improper entry into a dwelling house, structure, property  
6 or vehicle or improper detention of any person;

7 12. Employing, authorizing, or permitting an unlicensed person  
8 to perform or engage in services as a bail enforcer; or

9 13. Permitting a person to perform or engage in services as a  
10 bail enforcer knowing the person has committed any offense  
11 prohibited by the Bail Enforcement and Licensing Act.

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

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

19 A. The words "police", "deputy", "detective", "officer",  
20 "agent", or "investigator" shall not be displayed upon any bail  
21 enforcer badge, uniform, or vehicle. It shall be unlawful for any  
22 person to mark any vehicle, wear any apparel, or display any badge  
23 or identification card bearing the words "Fugitive Agent", "Recovery  
24 Agent", "Enforcement Officer", "Bounty Hunter", "Bail Agent", or

1 "Recovery Detective" or use any other words or phrases that imply  
2 that such person is associated with law enforcement or a government  
3 agency, as an agent, officer, deputy, detective or police. Any  
4 violation shall be a violation of the Bail Enforcement and Licensing  
5 Act which is punishable as provided in Section 3 of this act and in  
6 addition the violator may be prosecuted for false impersonation of  
7 an officer.

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

11 No person licensed as a bail enforcer or bail recovery agency  
12 shall:

13 1. Invade the privacy of a defendant without lawful authority  
14 or divulge any information gained by him or her in the course of  
15 employment except as the employer or client may direct as permitted  
16 by law, or as may be required by law to be disclosed;

17 2. Willfully make a false report to his or her employer or to a  
18 client;

19 3. Attempt any location, recovery or surrender of a defendant  
20 without having in his or her possession a written client contract;

21 4. Attempt any location, recovery or surrender of a defendant  
22 without having in his or her possession a certified copy of the  
23 undertaking or bail bond contract;

24

1           5. Mark or wear any apparel, badges, shields, ballistic vest or  
2 helmet which would imply to the public that the person is a law  
3 enforcement officer or represents a law enforcement or government  
4 agency; provided, however, a ballistic vest may be worn concealed  
5 under clothing;

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

10          7. Point, display or discharge a firearm or offensive weapon or  
11 administer a toxic substance as defined by the Bail Enforcement and  
12 Licensing Act in the recovery of a defendant without lawful  
13 authority and training as provided by the rules promulgated by the  
14 Council on Law Enforcement Education and Training;

15          8. Wear any uniform or use any title, insignia, badge or  
16 identification card or make any statements that would lead a person  
17 to believe that he or she is connected in any way with the federal  
18 government, a state government, or any political subdivision of a  
19 state government, or to permit an employee to do such prohibited  
20 acts, unless lawfully authorized by proper authorities to do so;

21          9. Improperly enter into the dwelling house, structure,  
22 property or vehicle of a defendant or third party;

23          10. Improperly use force against a defendant or third party;

24

1 11. Disobey any local ordinance, state or federal law,  
2 including traffic laws, in attempting to locate, recover or  
3 surrender a defendant;

4 12. Use a fictitious name in the recovery of a defendant;

5 13. Contract with any person or entity to receive money,  
6 valuable consideration or notoriety, directly or indirectly, from  
7 any source for the right to record, film or publish an actual  
8 recovery of a defendant;

9 14. Use or modify any vehicle for purposes of bail enforcement  
10 that resembles or bears markings or exterior equipment similar to  
11 those markings or equipment of an authorized law enforcement agency  
12 in this state, or any of its political subdivisions, or that bear  
13 any fictitious name, emblems, stickers, seals or design that would  
14 imply to the public that the vehicle is a law enforcement vehicle  
15 from this state, another state, any political subdivision of a  
16 state, the United States, or another country or territory; or

17 15. Disobey any rules promulgated for the Bail Enforcement and  
18 Licensing Act.

19 A violation of any provision of this subsection shall be  
20 punishable as provided in Section 3 of this act. In addition, the  
21 Council may suspend or revoke the license of the bail enforcer or  
22 bail recovery agency as provided by the rules promulgated pursuant  
23 to the Bail Enforcement and Licensing Act.

24

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

4 The Council on Law Enforcement Education and Training or its  
5 employees shall not disclose application information pertaining to  
6 applicants or persons licensed pursuant to the Bail Enforcement and  
7 Licensing Act, except:

8 1. To verify the current license status of an applicant or  
9 licensee to the public;

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

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

14 4. To an insurance company licensed in this state for purposes  
15 of issuing a bond for licensure or for claims purposes;

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

19 6. As required by court order.

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

23 A. Each bail enforcer licensed pursuant to the Bail Enforcer  
24 and Licensing Act shall carry a valid driver license or state-issued

1 photo identification card and an identification card issued by the  
2 Council on Law Enforcement Education and Training at all times while  
3 performing the functions and services of a bail enforcer in this  
4 state. Each bail recovery agency shall display in its primary  
5 office in this state a valid license therefor issued by the Council.

6 B. 1. Each discharge of a firearm by any person during the  
7 recovery or surrender of a defendant pursuant to the Bail  
8 Enforcement and Licensing Act shall be immediately reported to the  
9 law enforcement agency having jurisdiction where such firearm was  
10 discharged.

11 2. Each discharge of a firearm, taser or stun gun, or the use  
12 of an offensive weapon or any toxic substance as defined in the bail  
13 Enforcement and Licensing Act shall be reported to the Council, and  
14 if the bail enforcer is an employee of or contractor with a bail  
15 recovery agency, it shall be reported to the bail recovery agency  
16 who shall keep records of all such occurrences.

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

20 A. The words "Bail Enforcer", or such words used in conjunction  
21 with the bail recovery agency's legal name, shall be displayed in  
22 bold letters together with the person's valid state-issued license  
23 number on any badge or uniform used by a bail enforcer in this  
24 state.

1 B. Vehicles used by a bail enforcer or a bail recovery agency  
2 pursuant to the Bail Enforcement and Licensing Act, if marked, must  
3 bear the words "Bail Enforcer", or such words used in conjunction  
4 with the agency's legal name, address and phone number in  
5 conspicuous letters. No such vehicle shall be equipped with a  
6 siren, a lamp with a red or blue lens, or an overhead light or  
7 lights with red or blue lens.

8 C. Any violation of provisions of this section shall be  
9 punishable as provided in Section 3 of this act. In addition, the  
10 Council on Law Enforcement Education and Training may suspend or  
11 revoke the license pursuant to the rules promulgated for such  
12 prohibited conduct.

13 SECTION 18. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 1350.17 of Title 59, unless  
15 there is created a duplication in numbering, reads as follows:

16 A. On and after March 1, 2014, private schools desiring to  
17 conduct any or all phases of bail enforcement training shall submit  
18 an application for a certificate of approval to the Council on Law  
19 Enforcement Education and Training. The application shall be  
20 accompanied by a fee of Three Hundred Dollars (\$300.00). The  
21 certificate shall be renewed annually by July 1. The renewal fee  
22 shall be Three Hundred Dollars (\$300.00). If the school does not  
23 qualify for a certificate or renewal certificate, the Council shall  
24 retain twenty percent (20%) of the fee as a processing fee and

1 refund the balance to the school. The processing fee shall be  
2 credited and deposited in the CLEET Bail Enforcement Revolving Fund  
3 created pursuant to Section 21 of this act.

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

8 SECTION 19. NEW LAW A new section of law to be codified  
9 in the Oklahoma Statutes as Section 1350.18 of Title 59, unless  
10 there is created a duplication in numbering, reads as follows:

11 A. The firearm training for armed bail enforcers may include  
12 the reduction targets for weapons fired at fifty (50) feet to  
13 simulate weapons fired at seventy-five (75) feet in indoor ranges.  
14 All indoor ranges for this training shall have a minimum of three  
15 firing lanes and be approved by the Council on Law Enforcement  
16 Education and Training.

17 B. The Council shall approve the standards and curriculum for  
18 approved training schools on training and use of tasers, stun guns  
19 and other approved offensive weapons and the administration of toxic  
20 substances as defined in the Bail Enforcement and Licensing Act. No  
21 bail enforcer shall be permitted to carry an offensive weapon or  
22 administer toxic substances in the recovery of a defendant without  
23 successful completion of the training requirement established by the  
24 Council for bail enforcers.

1 SECTION 20. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1350.19 of Title 59, unless  
3 there is created a duplication in numbering, reads as follows:

4 Every bail enforcer who holds a valid license in this state  
5 shall have access to the jails of this state for the purpose of  
6 surrendering persons recovered pursuant to the Bail Enforcement and  
7 Licensing Act, and the rules adopted by the Council on Law  
8 Enforcement Education and Training.

9 SECTION 21. NEW LAW A new section of law to be codified  
10 in the Oklahoma Statutes as Section 1350.20 of Title 59, unless  
11 there is created a duplication in numbering, reads as follows:

12 There is hereby created in the State Treasury a revolving fund  
13 for the Council on Law Enforcement Education and Training to be  
14 designated the "CLEET Bail Enforcement Revolving Fund". The fund  
15 shall be a continuing fund, not subject to fiscal year limitations,  
16 and shall consist of all application fees, license fees, renewal  
17 fees, late fees, administrative fines, and other funds assessed or  
18 collected pursuant to the Bail Enforcement and Licensing Act. All  
19 monies accruing to the credit of the fund are hereby appropriated  
20 and may be budgeted and expended by the Council for the  
21 implementation, administration and enforcement of the Bail  
22 Enforcement and Licensing Act. Expenditures from the fund shall be  
23 made upon warrants issued by the State Treasurer against claims

24

1 filed as prescribed by law with the Director of the Office of State  
2 Finance for approval and payment.

3 SECTION 22. AMENDATORY 59 O.S. 2011, Section 1303, is  
4 amended to read as follows:

5 Section 1303. A. No person shall act in the capacity of a bail  
6 bondsman or perform any of the functions, duties or powers  
7 prescribed for bail bondsmen under the provisions of ~~the act~~ Section  
8 1301 et seq. of this title, unless that person shall be qualified  
9 and licensed as provided in Section 1301 et seq. of this act: title  
10 or as authorized pursuant to the Bail Enforcement and Licensing Act.

11 Provided, however, ~~that~~ none of the provisions or terms of this  
12 section shall prohibit any individual or individuals from ~~(1)~~  
13 pledging:

14 1. Pledging real or other property as security for a bail bond  
15 for himself, herself or another in judicial proceedings who does not  
16 receive, or is not promised, a fee or charge for his or her services  
17 provided such person shall not be permitted to make in excess of ten  
18 bonds per year; or, ~~(2) executing~~

19 2. Executing any bail bond for an insurer, pursuant to a bail  
20 bond service agreement entered into between such insurer and any  
21 automobile club or association, financing institution, insurance  
22 company or other organization or association, on behalf of a person  
23 required to furnish bail in connection with any violation of law  
24 arising out of the use of a motor vehicle.

1 B. No license shall be issued except in compliance with Section  
2 1301 et seq. of this ~~act~~ title and none shall be issued except to an  
3 individual. License renewals shall be granted subject to all other  
4 provisions of Section 1301 et seq. of this ~~act~~ title.

5 A corporation as such shall not be licensed. Nothing herein  
6 contained shall be construed as repealing Section 11 of Title 5 of  
7 the Oklahoma Statutes; and it is further provided that licensed  
8 attorneys are prohibited from signing any bonds as surety in any  
9 civil or criminal action pending or about to be filed in any court  
10 of this state.

11 SECTION 23. AMENDATORY 59 O.S. 2011, Section 1327, is  
12 amended to read as follows:

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

1 of his or her bondsman, or violates his or her contract with the  
2 bondsman in any way that does harm to the bondsman, or the surety,  
3 or violates his or her obligation to the court. When a bondsman or  
4 surety, or a licensed bail enforcer, surrenders a defendant pursuant  
5 to this subsection, the bondsman or surety shall file written  
6 notification of the surrender. After surrender, and upon filing of  
7 written notification of the surrender, the bond shall be exonerated  
8 and the clerk shall enter a minute in the case exonerating the bond.

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

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

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

5           a. the defendant is presently in the custody of the  
6 jurisdiction in which the bondsman or surety has  
7 posted a bond or bonds,

8           b. the case number, if any, assigned to each bond,

9           c. that the bond or bonds have not been exonerated, and

10          d. the specific charges and bond amount or amounts;

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

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

21          D. When a defendant does appear before the court as required by  
22 law and enters a plea of guilty or nolo contendere, is sentenced or  
23 a deferred sentence is granted as provided for in Section 991c of  
24

1 Title 22 of the Oklahoma Statutes, in such event the undertaking and  
2 bondsman and insurer shall be exonerated from further liability.

3 SECTION 24. AMENDATORY 59 O.S. 2011, Section 1328, is  
4 amended to read as follows:

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

16 Upon the presentation of a certified copy of the undertaking and  
17 the certificate of the official, the court before which the  
18 defendant has been held to answer, or the court in which the  
19 preliminary examination, indictment, information or appeal, ~~as the~~  
20 ~~case may be~~ is pending, shall, ~~upon~~ upon notice of three (3) days given  
21 by the person making the surrender to the prosecuting officer of the  
22 court having jurisdiction of the offense, together with a copy of  
23 the undertakings and certificate, order that the obligors be  
24 exonerated from liability on their undertakings; and, if money has

1 | been deposited as bail, that such money or bonds be refunded. If  
2 | property pledged, a certificate of exoneration be issued and the  
3 | lien previously filed be released and the undertakings of whatever  
4 | nature be canceled.

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

10 |       1. On a Recommitment of Defendant by Bondsman form approved by  
11 | the Administrative Office of the Courts, the bondsman or surety  
12 | shall personally affix his or her signature to an affidavit  
13 | attesting to the following:

14 |           a. the bondsman or surety has posted a bond or bonds for  
15 |           the defendant and is hereby presented to the official  
16 |           in whose custody the defendant was at the time bail  
17 |           was taken,

18 |           b. the case number, if any, assigned to each bond, and

19 |           c. the specific charges and bond amount or amounts;

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

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

6           SECTION 25.           AMENDATORY           59 O.S. 2011, Section 1329, is  
7 amended to read as follows:

8           Section 1329. For the purpose of surrendering the defendant,  
9 ~~the:~~

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

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

15           3. The bondsman or surety, by contract with a licensed bail  
16 recovery agency pursuant to the Bail Enforcement and Licensing Act  
17 which contract has attached a certified copy of the undertaking, may  
18 authorize the bail recovery agency to recover and surrender the  
19 person.

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

23           SECTION 26.           AMENDATORY           59 O.S. 2011, Section 1332, is  
24 amended to read as follows:

1 Section 1332. A. If there is a breach of an undertaking, the  
2 court before which the cause is pending shall issue an arrest  
3 warrant for the defendant and declare the undertaking and any money,  
4 property, or securities that have been deposited as bail, forfeited  
5 on the day the defendant failed to appear. In the event of the  
6 forfeiture of a bail bond the clerk of the trial court shall, within  
7 thirty (30) days after the forfeiture, by mail with return receipt  
8 requested, mail a true and correct copy of the order and judgment of  
9 forfeiture to the bondsman, and if applicable, the insurer, whose  
10 risk it is, and keep at least one copy of the order and judgment of  
11 forfeiture on file; provided, the clerk shall not be required to  
12 mail the order and judgment of forfeiture to the bondsman or insurer  
13 if, within fifteen (15) days from the date of forfeiture, the  
14 defendant is returned to custody, the bond is reinstated by the  
15 court with the bondsman's approval, or the order of forfeiture is  
16 vacated or set aside by the court. Failure of the clerk of the  
17 trial court to comply with the thirty-day notice provision in this  
18 subsection shall exonerate the bond by operation of law.

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

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

1           2. The bondsman may contract with a licensed bail recovery  
2 agency pursuant to the Bail Enforcement and Licensing Act to recover  
3 and return the defendant to custody within the ninety-day period, or  
4 as agreed.

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

12           ~~3.~~ 4. For the purposes of this section, "return to custody"  
13 means:

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

1 reasonable travel expenses for the return of the  
2 defendant.

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

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

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

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

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

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

22 D. 1. If, within ninety (90) days from receipt of the order  
23 and judgment of forfeiture from the court clerk, or mailing of the  
24 notice if no receipt is made, the defendant is not returned to

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

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

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

1 that the bondsman and, if applicable, the insurer have been notified  
2 by mail with return receipt requested.

3 4. The Insurance Commissioner shall:

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

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

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

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

23 E. 1. If the defendant's failure to appear was the result of  
24 the defendant's death or of being in the custody of a court other

1 than the court in which the appearance was scheduled, forfeiture  
2 shall not lie. Upon proof to the court that the bondsman paid the  
3 order and judgment of forfeiture without knowledge that the  
4 defendant was deceased or in custody of another court on the day the  
5 defendant was due to appear, and all expenses for the defendant's  
6 return have been paid by the bondsman, the bondsman's property shall  
7 be returned.

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

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

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

1 To stay the execution of the order and judgment of forfeiture, the  
2 bondsman or insurer shall comply with the provisions set forth in  
3 Section 990.4 of Title 12 of the Oklahoma Statutes.

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

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

17 SECTION 27. AMENDATORY 59 O.S. 2011, Section 1332.1, is  
18 amended to read as follows:

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

22 1. A bondsman or surety;

23

24

1        2. ~~An employee of~~ A licensed bail enforcer having authority  
2 under a client contract with a bondsman or surety pursuant to the  
3 Bail Enforcement and Licensing Act; or

4        3. A peace officer acting within the peace officer's  
5 jurisdiction.

6        SECTION 28.        AMENDATORY        59 O.S. 2011, Section 1750.2A, is  
7 amended to read as follows:

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

1 SECTION 29. AMENDATORY 59 O.S. 2011, Section 1750.5, is  
2 amended to read as follows:

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

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

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

22 C. 1. A private investigator may carry a firearm, if the  
23 private investigator also performs the functions of an armed  
24

1 security guard, under the authority of the armed security guard  
2 license.

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

22 3. Any person issued an armed private investigator license may  
23 carry a concealed firearm when on and off duty, provided the person  
24

1 keeps the firearm concealed from view and is in possession of a  
2 valid driver license and a valid armed private investigator license.

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

14 D. Any identification card issued to a person meeting the  
15 license requirements for an armed security guard ~~or~~, an armed  
16 private investigator or armed bail enforcer shall be distinct and  
17 shall explicitly state that the person is authorized to carry a  
18 firearm pursuant to the provisions of the Oklahoma Security Guard  
19 and Private Investigator Act or the Bail Enforcement and Licensing  
20 Act. Upon receipt of the license and identification card, the armed  
21 security guard ~~or~~, armed private investigator or armed bail enforcer  
22 is authorized to carry a firearm ~~in the performance of his or her~~  
23 ~~duties~~ subject to the respective provisions of the Oklahoma Security  
24

1 Guard and Private Investigator Act or the Bail Enforcement and  
2 Licensing Act and the rules promulgated by the Council.

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

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

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

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

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

22 5. When the Council finds that a conditional license holder has  
23 completed the required training and is otherwise qualified for a  
24 license pursuant to the provisions of the Oklahoma Security Guard

1 and Private Investigator Act, the Council shall issue a regular  
2 license; and

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

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

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

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

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

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

23 2. Any person, otherwise qualified, may own a private  
24 investigation agency; and

1           3. A self-employed private investigator who employs no other  
2 investigators shall also be licensed as an investigative agency, but  
3 shall only be required to be insured or bonded as a self-employed  
4 private investigator.

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

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

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

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

16           4. Be of good moral character;

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

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

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

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

22 c. Under oath, the applicant shall certify that he or she  
23 has no disqualifying convictions as specified in the  
24

1 Oklahoma Security Guard and Private Investigator Act  
2 or by the Council.

3 d. The applicant shall further meet all other  
4 qualifications.

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

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

1 thought, mood, perception, psychological orientation, or memory that  
2 significantly impairs judgment, behavior, capacity to recognize  
3 reality, or ability to meet the ordinary demands of life and such  
4 condition continues to exist; and

5 8. Make a statement regarding misdemeanor domestic violence  
6 charges.

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

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

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

1 officers and employees from judgments against the  
2 principal or insured licensee, and is further  
3 conditioned upon the faithful and honest conduct of  
4 the principal's business.

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

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

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

22 5. In lieu of the requirements of this subsection, the Council  
23 may accept a written statement from a corporation which is  
24 registered with the Oklahoma Secretary of State attesting that the

1 corporation self-insures the general operation of business for the  
2 types of liability set out in paragraphs 1 and 2 of this subsection.

3 K. Upon written notice, any license may be placed on inactive  
4 status.

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

7 SECTION 30. AMENDATORY 59 O.S. 2011, Section 1750.14, is  
8 amended to read as follows:

9 Section 1750.14 A. Except as provided in subsection C of this  
10 section, any person who is not a resident of this state who  
11 ~~apprehends~~ intends to apprehend in this state, or attempts to  
12 apprehend, ~~a~~ defendant, ~~7~~ who has failed to appear before any court of  
13 this state or another state or any federal court as required by law  
14 and has forfeited bail or for purposes of apprehending a defendant  
15 prior to breach of an undertaking or bail contract, shall be  
16 required to have a client contract with a bail recovery agency  
17 licensed in this state or to be licensed as a self-employed bail  
18 enforcer in this state prior to such apprehension or to be  
19 accompanied at the time of the apprehension by a peace officer ~~or a~~  
20 ~~person licensed in this state as a bail bondsman.~~

21 B. Any person who violates the provisions of this section shall  
22 be guilty of a ~~misdemeanor~~ violation of the Bail Enforcement and  
23 Licensing Act and shall be punished as provided in Section 3 of this  
24 act.

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

3 SECTION 31. This act shall become effective September 1, 2013.  
4 Passed the Senate the 12th day of March, 2013.

5

6

\_\_\_\_\_  
Presiding Officer of the Senate

7

8 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
9 2013.

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Presiding Officer of the House  
of Representatives

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