

1 ENGROSSED SENATE
2 BILL NO. 952

By: Paddack of the Senate

and

Thomsen of the House

3
4
5
6
7 An Act relating to professional licensing; amending
8 Section 5, Chapter 407, O.S.L. 2013, as amended by
9 Section 3, Chapter 373, O.S.L. 2014 (59 O.S. Supp.
10 2015, Section 1350.4), which relates to unlicensed
11 bond enforcement; making certain allowances;
12 requiring certain compliance; amending Section 12,
13 Chapter 407, O.S.L. 2013 (59 O.S. Supp. 2015, Section
14 1350.11), which relates to denial, suspension or
15 revocation of license; modifying certain inclusions;
16 amending Section 13, Chapter 407, O.S.L. 2013, as
17 amended by Section 7, Chapter 373, O.S.L. 2014 (59
18 O.S. Supp. 2015, Section 1350.12), which relates to
19 impersonation of an officer; making certain
20 requirements; and providing an effective date.

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

22 SECTION 1. AMENDATORY Section 5, Chapter 407, O.S.L.
23 2013, as amended by Section 3, Chapter 373, O.S.L. 2014 (59 O.S.
24 Supp. 2015, Section 1350.4), is amended to read as follows:

Section 1350.4. A. It shall be unlawful for any person whose
license as a bail enforcer has been suspended, revoked, surrendered
or denied, to perform, or assist in the performance of, any function
or service as a bail enforcer.

1 B. Except as provided in paragraph C of Section 1311.3 of this
2 title, it shall be unlawful for a bail enforcer licensed in this
3 state to assist, aid or conspire with an unlicensed person, or a
4 person whose license as a bail enforcer or bail bondsman has been
5 suspended, revoked, surrendered or denied, to engage in any function
6 or service as a bail enforcer. Provided, however, ~~an active duty a~~
7 commissioned Oklahoma peace officer or reserve peace officer who is
8 off-duty may assist a bail enforcer without having been issued a
9 bail enforcer license. Any such peace officer engaged in a recovery
10 and surrender shall wear clothing clearly marked "bail enforcer" or
11 "bail enforcement" and shall not wear any clothing marked "police"
12 or use any other words or phrases that imply that such person is
13 associated with law enforcement or a government agency; or use any
14 vehicle marked "police" or with any other words or phrases that
15 imply that such a person is associated with law enforcement or a
16 government agency; or display an official peace officer badge,
17 except when the policies of the officer's employing law enforcement
18 agency, and the agency in whose jurisdiction the officer is engaged
19 in a recovery and surrender, allows the officer to do so.

20 C. Any violation of this section shall be a violation of the
21 Bail Enforcement and Licensing Act which is punishable as provided
22 in Section 1350.2 of this title.
23
24

1 SECTION 2. AMENDATORY Section 12, Chapter 407, O.S.L.
2 2013 (59 O.S. Supp. 2015, Section 1350.11), is amended to read as
3 follows:

4 Section 1350.11. A. A bail enforcer license or armed bail
5 enforcer license shall be subject to denial, suspension, or
6 revocation and/or disciplinary action or administrative fine by the
7 Council on Law Enforcement Education and Training subject to the
8 Administrative Procedures Act for, but not limited to, the following
9 reasons by clear and convincing evidence:

10 1. ~~Any erroneous or false statement in an application for a~~
11 ~~license submitted pursuant to the Bail Enforcement and Licensing Act~~
12 ~~or rules promulgated pursuant thereto~~ Falsification or a willful
13 misrepresentation of information in an employment application,
14 application to the Council on Law Enforcement Education and
15 Training, records of evidence or in testimony under oath;

16 2. Failure to successfully complete any prescribed phase or
17 course of training as required by the Council;

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

20 4. A conviction, entry of a plea of guilty or nolo contendere
21 or an "Alford" plea or any plea other than a not guilty plea for
22 assault or battery, aggravated assault or battery, larceny, theft,
23 false pretense, fraud, embezzlement, false personation of an
24 officer, any offense involving moral turpitude, any offense

1 involving a minor as a victim, any nonconsensual sex offense, any
2 offense involving the possession, use, distribution, or sale of a
3 controlled dangerous substance, any offense of driving while
4 intoxicated or driving under the influence of intoxicating
5 substance, any offense involving a firearm, any felony or any other
6 offense as proscribed by the Council;

7 5. Use of beverages containing alcohol while armed with a
8 firearm;

9 6. Knowingly impersonating a law enforcement officer;

10 7. Improper use of force pursuant to the Bail Enforcement and
11 Licensing Act;

12 8. Failure to carry and possess proper license, identification
13 or documents required by the Bail Enforcement and Licensing Act or
14 any rules promulgated pursuant thereto;

15 9. Improper apparel or vehicle pursuant to the Bail Enforcement
16 and Licensing Act;

17 10. Improper carry, display or use of a firearm, weapon or
18 noxious substance;

19 11. Unlawful entry into a dwelling house, structure, property
20 or vehicle or improper detention of any person;

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

23

24

1 13. Permitting a person to perform or engage in services as a
2 bail enforcer knowing the person has committed any offense
3 prohibited by the Bail Enforcement and Licensing Act;

4 14. Revocation or voluntary surrender of police or peace
5 officer certification, private security guard license, private
6 investigator license, or bail enforcer license in another state for
7 a violation of any law or rule or in settlement of any disciplinary
8 action in such state; or

9 15. If an applicant is the defendant in a criminal prosecution
10 that is pending, no license will be issued until final resolution of
11 the criminal prosecution. If an applicant is the subject of an
12 order deferring imposition of judgment and sentence, no license will
13 be issued until completion of the deferred sentence and dismissal of
14 the criminal prosecution without a finding of guilt.

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

19 SECTION 3. AMENDATORY Section 13, Chapter 407, O.S.L.
20 2013, as amended by Section 7, Chapter 373, O.S.L. 2014 (59 O.S.
21 Supp. 2015, Section 1350.12), is amended to read as follows:

22 Section 1350.12. A. It shall be unlawful for any person
23 engaged in a recovery and surrender to mark any vehicle, wear any
24 apparel, or display any badge or identification card bearing the

1 words "police", "deputy", "detective", "officer", "agent",
2 "investigator", "fugitive agent", "recovery agent", "enforcement
3 officer", "bounty hunter", "bail agent", or "recovery detective" or
4 use any other words or phrases that imply that such person is
5 associated with law enforcement or a government agency except as
6 provided in paragraph B of Section 1350.4 of this title.

7 B. It shall be unlawful for any person not duly licensed or not
8 authorized to engage in a recovery and surrender pursuant to the
9 Bail Enforcement and Licensing Act to mark any vehicle, wear any
10 apparel, or display any badge or identification card bearing the
11 words "bail enforcer", "bail enforcement" or "bail enforcement
12 agency" or use any other words or phrases that imply that such
13 person is licensed or authorized to act under the Bail Enforcement
14 and Licensing Act or state or federal laws.

15 C. Any person duly licensed, or authorized to engage in a
16 recovery and surrender pursuant to the Bail Enforcement and
17 Licensing Act, shall wear apparel bearing the words "bail enforcer"
18 or "bail enforcement" during the recovery and surrender as provided
19 in paragraph B of Section 1350.4 of this title.

20 D. Any violation shall be a violation of the Bail Enforcement
21 and Licensing Act which is punishable as provided in Section 1350.2
22 of this title, or the violator may be prosecuted for false
23 impersonation of an officer.

24 SECTION 4. This act shall become effective November 1, 2016.

