

**SENATE FLOOR VERSION**

March 1, 2018

SENATE BILL NO. 1489

By: Leewright of the Senate

and

West (Kevin) of the House

An Act relating to bail bondsmen; amending 59 O.S. 2011, Section 1315, as last amended by Section 3, Chapter 161, O.S.L. 2017 (59 O.S. Supp. 2017, Section 1315), which relates to persons or classes prohibited as bondsmen; modifying certain eligibility; updating statutory references; conforming language; and providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 2011, Section 1315, as last amended by Section 3, Chapter 161, O.S.L. 2017 (59 O.S. Supp. 2017, Section 1315), is amended to read as follows:

Section 1315. A. The following persons or classes shall not be bail bondsmen, shall not perform the acts of a bail bondsman and shall not directly or indirectly receive any benefits from the execution of any bail bond:

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

2. Jailers;

3. Police officers;

4. Committing judges;

5. Municipal or district court judges;

6. Prisoners;

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

~~8. Any person who possesses a permit pursuant to the provisions of Section 163.11 of Title 37 of the Oklahoma Statutes or is an officer, director or stockholder of any corporation holding such a permit, except as specifically authorized for a licensed bondsman in Section 1315.1 of this title;~~

~~9. Any person who is an agent or owner of any establishment at which low-point beer as defined by Section 163.2 of Title 37 of the Oklahoma Statutes is sold for on-premises consumption, except as specifically authorized for a licensed bondsman in Section 1315.1 of this title;~~

~~10.~~ Any person who holds any license provided for in Section ~~518~~ 2-101 of Title ~~37~~ 37A of the Oklahoma Statutes or is an agent or officer of any such licensee, except for an individual holding an employee license pursuant to paragraph ~~20~~ 22 of subsection A of Section ~~518~~ 2-101 of Title ~~37~~ 37A of the Oklahoma Statutes or as

specifically authorized for a licensed bondsman in Section 1315.1 of this title;

~~11.~~ 9. Any person who holds any license or permit from any city, town, county, or other governmental subdivision for the operation of any private club at which alcoholic beverages are consumed or provided, except as specifically authorized for a licensed bondsman in Section 1315.1 of this title;

~~12.~~ 10. Any person or agent of a retail liquor package store; and

~~13.~~ 11. Any person whose bail bondsman license has been revoked by the Insurance Commissioner.

B. This section shall not apply to a sheriff, deputy sheriff, police officer, or officer of the law who is not on duty and who assists in the apprehension of a defendant.

C. The provisions of this section shall not apply to persons possessing permits or licenses pertaining to ~~low-point beer or~~ alcoholic beverages, as defined in ~~Sections 163.2 and 506~~ Section 1-103 of Title ~~37~~ 37A of the Oklahoma Statutes, which were issued prior to May 23, 1984. No one shall be permitted to maintain an office for conducting bail bonds business where ~~low-point beer or~~ alcoholic beverages are sold for on-premises consumption.

D. No person shall be permitted to maintain an office for conducting a bail bond business where persons disqualified pursuant

1 to paragraph 1 of subsection A of this section are present, except  
2 as necessary for such persons to obtain a personal bail bond.

3 E. For purposes of this section, the marriage or cohabitation  
4 of a bail bond licensee or license applicant with a person  
5 disqualified pursuant to ~~paragraph 1~~ of subsection A of this section  
6 does not, as a matter of fact, constitute the receipt of benefits  
7 from the execution of a bail bond. In such circumstances, the  
8 receipt of benefits from the execution of a bail bond shall be  
9 subject to a factual determination by the Commissioner.

10 SECTION 2. This act shall become effective November 1, 2018.

11 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM  
12 March 1, 2018 - DO PASS  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24