An Act

ENROLLED SENATE
BILL NO. 2003

By: Shortey of the Senate

and

Joyner of the House

An Act relating to the Bail Enforcement and Licensing Act; amending 59 O.S. 2011, Section 1311.3, which relates to unlawful acts; providing exception for surrender of defendant under certain circumstance; providing certain exception to Bail Enforcement and Licensing Act; amending Sections 3, 4, 6, 10, 11, 13, 14, 15 and 17, Chapter 407, O.S.L. 2013 (59 O.S. Supp. 2013, Sections 1350.2, 1350.4, 1350.5, 1350.9, 1350.10, 1350.12, 1350.13, 1350.14 and 1350.16), which relate to the Bail Enforcement and Licensing Act; modifying language; providing for alternative proof of equivalent education; modifying references; prohibiting certain person from marking vehicles or wearing certain apparel or badge; authorizing the use of additional term; authorizing withholding of certain physical address under certain condition; amending 59 O.S. 2011, Sections 1750.5, as last amended by Section 2, Chapter 407, O.S.L. 2013, and 1750.14, as amended by Section 30, Chapter 407 O.S.L. 2013 (59 O.S. Supp. 2013, Sections 1750.5 and 1750.14), which relate to combined licenses and nonresident bail forfeitures and apprehensions; modifying exemption for certain insurer to appoint bondsmen for purpose of apprehension; providing for codification; providing an effective date; and declaring an emergency.

SUBJECT: Bail bondsman licensing

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

SECTION 1. AMENDATORY 59 O.S. 2011, Section 1311.3, is amended to read as follows:

Section 1311.3. A. It shall be unlawful for any person whose license to act as a bail bondsman has been suspended, revoked, surrendered, or refused, to do or perform any of the acts of a bail bondsman. Any person convicted of violating the provisions of this subsection shall be guilty of a felony and shall be punished by a fine in an amount not exceeding Five Thousand Dollars ($5,000.00).

B. It shall be unlawful for any bail bondsman to assist, aid, or conspire with a person whose license as a bail bondsman has been suspended, revoked, surrendered, or refused, to engage in any acts as a bail bondsman. Any person convicted of violating the provisions of this subsection shall be guilty of a felony and shall be punished by a fine in an amount not to exceed Five Thousand Dollars ($5,000.00).

C. The provisions of this section shall not apply to a person who within ninety (90) days of the date their bail bondsman license is suspended or revoked in this state contracts with a licensed bail enforcer pursuant to the Bail Enforcement and Licensing Act to cause the apprehension and surrender of his or her defendant clients to the appropriate authority. The defendant client must have a current undertaking or bail contract with the person whose bail bondsman license is suspended or revoked and such undertaking or bail contract must have been made in this state by the person whose license is now suspended or revoked. No acts other than contracting with a licensed bail enforcer to surrender a defendant client to the appropriate authority shall be authorized or recognized after a bail bondsman license is suspended or revoked.

SECTION 2. AMENDATORY Section 3, Chapter 407, O.S.L. 2013 (59 O.S. Supp. 2013, Section 1350.2), is amended to read as follows:

Section 1350.2. A. On and after ~~July 1, 2014~~ February 1, 2015, no person shall act or engage in, solicit or offer services, or

represent himself or herself, as a bail enforcer as defined by the Bail Enforcement and Licensing Act without first having been issued a valid license by the Council on Law Enforcement Education and Training.

B. On or after ~~July 1, 2014~~ February 1, 2015, any person who shall act or engage in, solicit or offer services, or represent himself or herself, as a bail enforcer without a valid license issued by the Council shall be guilty of a felony, upon conviction, punishable by a fine in an amount not exceeding Ten Thousand Dollars ($10,000.00), or by imprisonment in the custody of the Department of Corrections for a term of not more than three (3) years, or by both such fine and imprisonment.

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

SECTION 3. AMENDATORY Section 5, Chapter 407, O.S.L. 2013 (59 O.S. Supp. 2013, 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.

B. ~~It~~ Except as provided in paragraph C of Section 1311.3 of this title, it shall be unlawful for a bail enforcer licensed in this state to assist, aid or conspire with an unlicensed person, or a person whose license as a bail enforcer or bail bondsman has been suspended, revoked, surrendered or denied, to engage in any function or service as a bail enforcer. Provided, however, an active duty commissioned peace officer who is off-duty may assist a bail enforcer without having been issued a bail enforcer license.

C. Any violation of this section shall be a violation of the Bail Enforcement and Licensing Act which is punishable as provided in Section ~~3~~ 1350.2 of this ~~act~~ title.

SECTION 4. AMENDATORY Section 6, Chapter 407, O.S.L. 2013 (59 O.S. Supp. 2013, Section 1350.5), is amended to read as follows:

Section 1350.5. A. Notwithstanding any provision in Section 643 of Title 21 of the Oklahoma Statutes, the use or attempt to use force by a bail enforcer in the recovery of a defendant as defined in the Bail Enforcement and Licensing Act is prohibited when unnecessarily committed or when the force is excessive or unreasonable in manner, degree or duration.

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

C. No force shall be authorized which is more than sufficient to temporarily restrain a defendant who has refused to obey a lawful command to surrender to the bail enforcer. The duration and manner of any force used by a bail enforcer shall be only that reasonably necessary to surrender the defendant to the public officer competent to receive such person into custody.

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

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

SECTION 5. AMENDATORY Section 10, Chapter 407, O.S.L. 2013 (59 O.S. Supp. 2013, Section 1350.9), is amended to read as follows:

Section 1350.9. A. Except as prohibited by Section 4 this act, a bail enforcer license or an armed bail enforcer license may be

issued to an applicant meeting the following qualifications. The applicant shall:

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

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

3. Have a high school diploma or GED, or offer proof sufficient to CLEET of equivalent GED qualifications, and have successfully completed the training and psychological evaluation requirements for the license applied for, as prescribed by the Council on Law Enforcement Education and Training;

4. Be of good moral character;

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

6. Have no record of a felony conviction or any expungement or a deferred judgment or suspended sentence for a felony offense, unless at least fifteen (15) years has passed since the completion of the sentence and no other convictions have occurred or are pending. Provided, no person convicted of a felony offense shall be eligible for an armed bail enforcer license;

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

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

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

b. Under oath, the applicant shall certify that he or she has no disqualifying convictions as specified in the Bail Enforcement and Licensing Act or by rule of the Council, or that more than five (5) years have lapsed since the completion of the sentence for a disqualifying conviction.

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

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

8. Make a statement that the applicant is not currently undergoing treatment for a mental illness, condition, or disorder, make a statement whether the applicant has ever been adjudicated incompetent or committed to a mental institution, and make a statement regarding any history of illegal drug use or alcohol abuse. Upon presentation by the Council of the name, gender, date of birth, and address of the applicant to the Department of Mental Health and Substance Abuse Services, the Department of Mental Health and Substance Abuse Services shall notify the Council within ten (10) days whether the computerized records of the Department indicate the applicant has ever been involuntarily committed to an Oklahoma state mental institution. For purposes of this subsection, "currently undergoing treatment for a mental illness, condition, or

disorder" means the person has been diagnosed by a licensed physician or psychologist as being afflicted with a substantial disorder of thought, mood, perception, psychological orientation, or memory that significantly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life and such condition continues to exist;

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

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

11. Provide a statement of self-employment as a sole proprietor bail enforcer.

B. 1. A bail enforcer shall be required to maintain a physical address and phone number publically available and published in the city or county where the physical address is located. Only a licensed bail enforcer may accept a client contract to perform the services of a bail enforcer.

2. A licensed bail enforcer shall be required to maintain complete records of all clients, defendants and apprehensions, and agree such records shall be available to CLEET for inspection at any time during regular business hours.

C. 1. All bail enforcers shall obtain and maintain either a liability insurance policy or a surety bond that allows persons to recover for actionable injuries, loss, or damage as a result of the willful, or wrongful acts or omissions of the licensee and protects this state, its agents, officers and employees from judgments against the licensee, and is further conditioned upon the faithful and honest conduct of the licensee.

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

3. Liability insurance policies or bonds issued pursuant to this subsection shall not be modified or canceled unless ten (10)

days' prior written notice is given to the Council. All persons insured or bonded pursuant to this subsection shall be insured by an insurance carrier or bonded by a surety company licensed and authorized to do business in the state. Failure to obtain and maintain sufficient liability insurance or bond as provided in the Bail Enforcement and Licensing Act shall be grounds for revocation of a license.

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

SECTION 6. AMENDATORY Section 11, Chapter 407, O.S.L. 2013 (59 O.S. Supp. 2013, Section 1350.10), is amended to read as follows:

Section 1350.10. A. 1. Application for a bail enforcer license shall be made on forms provided by the Council on Law Enforcement Education and Training and shall be submitted in writing by the applicant under oath. The application shall require the applicant to furnish information reasonably required by the Council to implement the provisions of the Bail Enforcement and Licensing Act, including classifiable fingerprints to enable the search of criminal indices for evidence of a prior criminal record, including, but not limited to, a national criminal history record check as defined by Section 150.9 of Title 74 of the Oklahoma Statutes.

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

B. 1. On and after ~~March 1, 2014~~ February 1, 2015, the original application and any license renewal shall be accompanied by a fee of:

a. Three Hundred Dollars ($300.00) for an unarmed bail enforcer license, or

b. Four Hundred Dollars ($400.00) for an armed bail enforcer license.

If an individual 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. 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 passed, if otherwise qualified. Any application for reinstatement following a suspension of licensure shall be accompanied by a nonrefundable fee of:

a. One Hundred Dollars ($100.00) for the reinstatement of an unarmed bail enforcer license, or

b. One Hundred Fifty Dollars ($150.00) for an armed bail enforcer license.

A revoked license shall not be reinstated.

3. A licensee who fails to file a renewal application on or before the expiration of a license shall pay a late fee of Fifty Dollars ($50.00) for an unarmed bail enforcer license and a late fee of One Hundred Dollars ($100.00) for an armed bail enforcer license.

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

C. On and after ~~July 1, 2014~~ February 1, 2015, a bail enforcer license or armed bail enforcer license shall be valid for a period of three (3) years and may be renewed for additional three-year terms.

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

E. Pursuant to rule, the Council may issue a duplicate license to a person licensed pursuant to the provisions of the Bail Enforcement and Licensing Act. On and after ~~July 1, 2014~~ February 1, 2015, the Council may assess a fee of Twenty-five Dollars ($25.00) for the issuance of a duplicate license. The fee shall accompany the request for a duplicate license. All duplicate license fees shall be deposited to the credit of the CLEET Bail Enforcement Revolving Fund created pursuant to Section ~~21~~ 1350.20 of this ~~act~~ title.

SECTION 7. AMENDATORY Section 13, Chapter 407, O.S.L. 2013 (59 O.S. Supp. 2013, Section 1350.12), is amended to read as follows:

Section 1350.12. A. It shall be unlawful for any person to mark any vehicle, wear any apparel, or display any badge or identification card bearing the words "police", "deputy", "detective", "officer", "agent", "investigator", "fugitive agent", "recovery agent", "enforcement officer", "bounty hunter", "bail agent", or "recovery detective" or use any other words or phrases that imply that such person is associated with law enforcement or a government agency.

B. It shall be unlawful for any person not duly licensed pursuant to the Bail Enforcement and Licensing Act to mark any vehicle, wear any apparel, or display any badge or identification card bearing the words "bail enforcer", "bail enforcement" or "bail enforcement agency" or use any other words or phrases that imply that such person is licensed or authorized to act under the Bail Enforcement and Licensing Act or state or federal laws.

C. Any violation shall be a violation of the Bail Enforcement and Licensing Act which is punishable as provided in Section ~~3~~ 1350.2 of this ~~act~~ title, or the violator may be prosecuted for false impersonation of an officer.

SECTION 8. AMENDATORY Section 14, Chapter 407, O.S.L. 2013 (59 O.S. Supp. 2013, Section 1350.13), is amended to read as follows:

Section 1350.13. No person licensed as a bail enforcer ~~or bail recovery agency~~ shall:

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

2. Willfully make a false report to any person;

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

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

5. Wear any apparel, badges, shields, ballistic vest or helmet during the recovery of a defendant unless such item is clearly marked "Bail Enforcer" <u>or "Bail Enforcement"</u>;

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

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

8. Wear any uniform or use any title, insignia, badge or identification card or make any statements that would lead a person to believe that he or she is connected in any way with the federal government, a state government, or any political subdivision of a state government, or law enforcement agency, or to permit another

person assisting in a recovery of a defendant to do such prohibited acts;

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

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

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

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

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

14. Disobey any rules promulgated for the Bail Enforcement and Licensing Act.

A violation of any provision of this subsection shall be punishable as provided in Section ~~3~~ 1350.2 of this ~~act~~ title. In addition, the Council may suspend or revoke the license of the bail enforcer as provided by the rules promulgated pursuant to the Bail Enforcement and Licensing Act.

SECTION 9. AMENDATORY Section 15, Chapter 407, O.S.L. 2013 (59 O.S. Supp. 2013, Section 1350.14), is amended to read as follows:

Section 1350.14. The Council on Law Enforcement Education and Training or its employees shall not disclose application information pertaining to applicants or persons licensed pursuant to the Bail Enforcement and Licensing Act, except:

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

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

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

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

5. To provide the published name, address and phone number, upon request by the public; provided, however, CLEET may withhold the physical residence address of an applicant or licensee from the public when the applicant or licensee has so requested and has provided CLEET a business or alternative address for public dissemination; or

6. As required by court order.

SECTION 10. AMENDATORY Section 17, Chapter 407, O.S.L. 2013 (59 O.S. Supp. 2013, Section 1350.16), is amended to read as follows:

Section 1350.16. A. The words "Bail Enforcer" or "Bail Enforcement" shall be displayed in bold letters on all clothing worn during the recovery of a defendant and such words together with the person's valid state-issued license number shall be on the badge authorized by or issued by CLEET, which badge shall be in the possession of and visibly displayed by the bail enforcer during the recovery of a defendant.

B. Vehicles used by a bail enforcer, if marked, must bear the words "Bail Enforcer" or "Bail Enforcement". No such vehicle shall be equipped with a siren, a lamp with a red or blue lens, or an overhead light or lights with red or blue lens.

C. Any violation of provisions of this section shall be punishable as provided in Section ~~3~~ 1350.2 of this ~~act~~ title. In addition, the Council on Law Enforcement Education and Training may

suspend or revoke the license pursuant to the rules promulgated for such prohibited conduct.

SECTION 11. AMENDATORY 59 O.S. 2011, Section 1750.5, as last amended by Section 29, Chapter 407, O.S.L. 2013 (59 O.S. Supp. 2013, Section 1750.5), is amended to read as follows:

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

1. Security Agency License;

2. Investigative Agency License;

3. Private Investigator License (unarmed);

4. Security Guard License (unarmed);

5. Armed Security Guard License;

6. Special Event License (unarmed);

7. Armed Private Investigator License;

8. Bail Enforcer License; and

9. Armed Bail Enforcer License.

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

C. 1. A private investigator may carry a firearm, if the private investigator also performs the functions of an armed security guard, under the authority of the armed security guard license.

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

3. Any person issued an armed private investigator license may carry a concealed or unconcealed firearm when on and off duty, provided the person is in possession of a valid driver license and a valid armed private investigator license.

4. Any person issued an armed bail enforcer license may carry a concealed approved pistol, or may open-carry an approved pistol with a visible bail enforcer badge affixed to the holster or belt immediately next to the firearm while wearing clearly marked apparel designating the person as a "Bail Enforcer" <u>or "Bail Enforcement"</u> when actively engaged in the recovery of a defendant, subject to all rules for use and conduct of firearms promulgated by the Council. An armed bail enforcer shall be permitted to carry a concealed ~~firearm~~ <u>pistol</u> when not actively engaged in the recovery of a defendant provided the bail enforcer badge authorized or issued by CLEET and a state-issued driver license or identification card are in the possession of the person while carrying the firearm.

D. Any identification card or badge issued to a person meeting the license requirements for an armed security guard , an armed private investigator or armed bail enforcer shall be distinct and shall explicitly state that the person is authorized to carry a

firearm pursuant to the provisions of the Oklahoma Security Guard and Private Investigator Act or the Bail Enforcement and Licensing Act. Upon receipt of the license and identification card, the armed security guard, armed private investigator or armed bail enforcer is authorized to carry a firearm subject to the respective provisions of the Oklahoma Security Guard and Private Investigator Act or the Bail Enforcement and Licensing Act and the rules promulgated by the Council.

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

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

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

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

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

5. When the Council finds that a conditional license holder has completed the required training and is otherwise qualified for a license pursuant to the provisions of the Oklahoma Security Guard and Private Investigator Act, the Council shall issue a regular license; and

6. The Council shall be prohibited from issuing a conditional license to a bail enforcer under the Bail Enforcement and Licensing Act.

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

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

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

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

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

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

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

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

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

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

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

4. Be of good moral character;

5. Not have a record of a felony conviction;

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

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

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

c. Under oath, the applicant shall certify that he or she has no disqualifying convictions as specified in the Oklahoma Security Guard and Private Investigator Act or by the Council.

d. The applicant shall further meet all other qualifications.

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

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

8. Make a statement regarding misdemeanor domestic violence charges.

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

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

a. general liability insurance coverage for bodily injury, personal injury, and property damage, with endorsements for personal injury including false arrest, libel, slander, and invasion of privacy, or

b. a surety bond that allows persons to recover for actionable injuries, loss, or damage as a result of the willful, or wrongful acts or omissions of the principal and protects this state, its agents, officers and employees from judgments against the principal or insured licensee, and is further conditioned upon the faithful and honest conduct of the principal's business.

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

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

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

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

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

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

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

SECTION 12. AMENDATORY 59 O.S. 2011, Section 1750.14, as amended by Section 30, Chapter 407, O.S.L. 2013 (59 O.S. Supp. 2013, Section 1750.14), is amended to read as follows:

Section 1750.14. A. Except as provided in subsection C or D of this section, any person who is not a resident of this state who intends to apprehend in this state, or attempts to apprehend, a defendant who has failed to appear before any court of this state or another state or any federal court as required by law and has forfeited bail or for purposes of apprehending a defendant prior to breach of an undertaking or bail contract, shall be required to have a client contract with a bail enforcer licensed in this state or to be licensed bail enforcer in this state prior to such apprehension or to be accompanied at the time of the apprehension by a peace officer.

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

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

D. The provisions of this section shall not apply to licensed bondsmen in this state appointed by an insurer doing business in this state with regard to a defendant on a bond posted by that insurer, provided the appointed bondsman has been continuously licensed in this state for a period of five (5) years or more beginning on the effective date of this act.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1311.4 of Title 59, unless there is created a duplication in numbering, reads as follows:

Notwithstanding any provision of the Bail Enforcement and Licensing Act to the contrary, a licensed bondman in this state may seek assistance from, or provide assistance to, another licensed bondsman in this state or another state for purposes of apprehension and surrender of their defendant client whose undertaking or bail contract was written by the licensed bondsman or a bondsman appointed by an insurer doing business in this state; provided, the licensed bondsmen have a continuously valid licensed for five (5) or more years beginning the effective date of this act. The bondsman licensed in this state shall be required to obtain and maintain proof of the other bondsman's valid license and license duration requirement prior to permitting such person to engage in any act requiring a license in this state.

SECTION 14. This act shall become effective July 1, 2014.

SECTION 15. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 23rd day of May, 2014.

Presiding Officer of the Senate

Passed the House of Representatives the 23rd day of May, 2014.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 23rd

day of May, 20 14, at 9:08 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 28th

day of May, 20 14, at 1:45 o'clock P M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 28th

day of May, 20 14, at 2:54 o'clock P. M.

By: Chi Benge