

An Act

ENROLLED SENATE
BILL NO. 952

By: Paddock of the Senate

and

Thomsen of the House

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

SUBJECT: Bail enforcement procedures

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

SECTION 1. AMENDATORY Section 5, Chapter 407, O.S.L. 2013, as amended by Section 3, Chapter 373, O.S.L. 2014 (59 O.S. 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.

B. 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 a~~ commissioned Oklahoma peace officer or reserve peace officer who is off-duty may assist a bail enforcer without having been issued a bail enforcer license. Any such peace officer engaged in a recovery and surrender shall wear clothing clearly marked "bail enforcer" or "bail enforcement" and shall not wear any clothing marked "police" or use any other words or phrases that imply that such person is associated with law enforcement or a government agency; or use any vehicle marked "police" or with any other words or phrases that imply that such a person is associated with law enforcement or a government agency; or display an official peace officer badge, except when the policies of the officer's employing law enforcement agency, and the agency in whose jurisdiction the officer is engaged in a recovery and surrender, allows the officer to do so.

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

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

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

1. ~~Any erroneous or false statement in an application for a license submitted pursuant to the Bail Enforcement and Licensing Act or rules promulgated pursuant thereto~~ Falsification or a willful misrepresentation of information in an employment application,

application to the Council on Law Enforcement Education and Training, records of evidence or in testimony under oath;

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

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

4. A conviction, entry of a plea of guilty or nolo contendere or an "Alford" plea or any plea other than a not guilty plea 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, any felony or any other offense as proscribed by the Council;

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

6. Knowingly impersonating a law enforcement officer;

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

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

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

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

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

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

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

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

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

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

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

Section 1350.12. A. It shall be unlawful for any person engaged in a recovery and surrender 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 except as provided in paragraph B of Section 1350.4 of this title.

B. It shall be unlawful for any person not duly licensed or not authorized to engage in a recovery and surrender 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 person duly licensed, or authorized to engage in a recovery and surrender pursuant to the Bail Enforcement and Licensing Act, shall wear apparel bearing the words "bail enforcer" or "bail enforcement" during the recovery and surrender as provided in paragraph B of Section 1350.4 of this title.

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

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

Passed the Senate the 9th day of March, 2016.

Angela Amador
Presiding Officer of the Senate

Passed the House of Representatives the 14th day of April, 2016.

Lee R. Dancy
Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 18th
day of April, 20 16, at 3:24 o'clock P M.
By: *Audrey Beckwell*

Approved by the Governor of the State of Oklahoma this 21st
day of April, 20 16, at 9:47 o'clock A M.

Mary Fallin
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 21st
day of April, 20 16, at 11:13 o'clock A. M.
By: *Chris Benge*