

FIRST REGULAR SESSION

HOUSE BILL NO. 545

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES WALKER, JOHNSON (47), PAGE (Co-sponsors), DARROUGH,
SKAGGS, CARNAHAN, DONNELLY AND HOSKINS.

Read 1st time February 24, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1521L.011

AN ACT

To repeal section 374.755, RSMo, and to enact in lieu thereof nine new sections relating to surety recovery agents, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 374.755, RSMo, is repealed and nine new sections enacted in lieu
2 thereof, to be known as sections 374.755, 650.550, 650.552, 650.554, 650.556, 650.558,
3 650.560, 650.562, and 650.564, to read as follows:

374.755. 1. The department may cause a complaint to be filed with the administrative
2 hearing commission as provided by chapter 621, RSMo, against any holder of any license
3 required by sections 374.700 to 374.775 or any person who has failed to renew or has
4 surrendered his license for any one or any combination of the following causes:

5 (1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic
6 beverage to an extent that such use impairs a person's ability to perform the work of the
7 profession licensed under sections 374.700 to 374.775;

8 (2) Having entered a plea of guilty or having been found guilty of a felony;

9 (3) Use of fraud, deception, misrepresentation or bribery in securing any license issued
10 pursuant to sections 374.700 to 374.775 or in obtaining permission to take any examination
11 given or required pursuant to sections 374.700 to 374.775;

12 (4) Obtaining or attempting to obtain any compensation as a member of the profession
13 licensed by sections 374.700 to 374.775 by means of fraud, deception or misrepresentation;

14 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty
15 in the performance of the functions or duties of the profession licensed or regulated by sections
16 374.700 to 374.775;

17 (6) Violation of, or assisting or enabling any other person to violate, any provision of

18 sections 374.700 to 374.775 or sections 650.550 to 650.564, RSMo, or of any lawful rule or
19 regulation promulgated pursuant to sections 374.700 to 374.775 or sections 650.550 to 650.564,
20 RSMo;

21 (7) Transferring a license or permitting another person to use a license of the licensee;

22 (8) Disciplinary action against the holder of a license or other right to practice the
23 profession regulated by sections 374.700 to 374.775 granted by another state, territory, federal
24 agency or country upon grounds for which revocation or suspension is authorized in this state;

25 (9) Being finally adjudged insane or incompetent by a court of competent jurisdiction;

26 (10) Assisting or enabling any person to practice or offer to practice the profession
27 licensed or regulated by sections 374.700 to 374.775 who is not currently licensed and eligible
28 to practice under sections 374.700 to 374.775;

29 (11) Paying a fee or rebate, or giving or promising anything of value, to a jailer,
30 policeman, peace officer, judge or any other person who has the power to arrest or to hold
31 another person in custody, or to any public official or employee, in order to secure a settlement,
32 compromise, remission or reduction of the amount of any bail bond or estreatment thereof;

33 (12) Paying a fee or rebate, or giving anything of value to an attorney in bail bond
34 matters, except in defense of any action on a bond;

35 (13) Paying a fee or rebate, or giving or promising anything of value, to the principal or
36 anyone in his behalf;

37 (14) Participating in the capacity of an attorney at a trial or hearing of one on whose bond
38 he is surety.

39 2. After the filing of such complaint, the proceedings shall be conducted in accordance
40 with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing
41 commission that one or more of the causes stated in subsection 1 of this section have been met,
42 the department may do any or all of the following:

43 (1) Censure the person involved;

44 (2) Place the person involved on probation on such terms and conditions as the
45 department deems appropriate for a period not to exceed ten years;

46 (3) Suspend, for a period not to exceed three years, the license of the person involved;

47 (4) Revoke the license of the person involved.

**650.550. 1. Sections 650.550 to 650.564 shall be known and may be cited as "TJ's
2 Law".**

3 2. As used in sections 650.550 to 650.564, the following terms mean:

4 (1) "Department", the Missouri department of public safety;

**5 (2) "Director", the director of the Missouri department of public safety or his or
6 her designated agent or representative;**

7 (3) "Surety recovery agent", a person not performing the duties of a sworn peace
8 officer who tracks down, captures and surrenders to the custody of a court a fugitive who
9 has violated a bail bond agreement, excluding a bail bond agent or general bail bond agent,
10 as those terms are defined in section 374.700, RSMo.

**650.552. 1. No person shall perform the duties of a surety recovery agent without
2 obtaining a license to do so from the department.**

3 **2. No bail bond agent or general bail bond agent, as those terms are defined in
4 section 374.700, RSMo, shall employ a person as a surety recovery agent without securing
5 from the employee a certified copy of that person's surety recovery agent license.**

6 **3. Violation of this section shall be a class A misdemeanor except that a second or
7 subsequent violation shall be a class D felony.**

**650.554. As a condition of licensure, a surety recovery agent must successfully
2 complete a training course regarding the safe apprehension and delivering of bonded
3 individuals. The director shall establish the curriculum and shall select one or more
4 private or public entities that may provide such training and conduct examinations for
5 persons completing the training. The training course shall be at least sixty hours in length,
6 and shall include a review of the laws, accepted methods and procedures regarding the
7 apprehension of an individual, the use of a deadly weapon, the use of deadly force,
8 trespass, assault, the rights of third parties who may be associated with a bonded
9 individual, and any other relevant information that the director deems necessary to ensure
10 the safety of the public and the bonded individual. Any entity approved by the director
11 to provide such training may charge a reasonable fee, which shall be paid by the applicant.
12 The director shall issue a license to any applicant that has completed the training and
13 passed the examination, and has met all of the requirements of sections 650.550 to 650.564.**

**650.556. Applications for examination and licensure as a surety recovery agent
2 shall be in writing and on forms prescribed and furnished by the department, and shall
3 contain such information as the department requires. To obtain a surety recovery agent
4 license an applicant must:**

5 **(1) Successfully complete the requisite training and examination pursuant to section
6 650.554;**

7 **(2) Not have entered a plea of guilty to or been found guilty of violating section
8 571.015, RSMo, or any felony or class A misdemeanor pursuant to chapter 565, 566, 568,
9 or 569, RSMo, or any crime committed outside the state of Missouri which would have
10 been one of these crimes had it been committed in the state of Missouri;**

11 **(3) Not be a fugitive from justice;**

12 **(4) Not use a controlled substance as defined in chapter 195, RSMo, or consume**

13 alcohol to an extent that such use impairs the person's ability to perform the duties of a
14 surety recovery agent safely;

15 (5) Not have been adjudged insane or incompetent by a court of competent
16 jurisdiction; and

17 (6) Be at least twenty-one years of age.

650.558. The department may, in its discretion, grant a temporary license without
2 requiring training and an examination to a surety recovery agent who is currently licensed
3 in another state, if the department is satisfied by proof adduced by the applicant that the
4 surety recovery agent's qualifications are at least equivalent to the requirements for initial
5 licensure as a surety recovery agent in Missouri pursuant to the provisions of sections
6 650.550 to 650.564. The fee for a temporary license shall be equal to the fee for a regular
7 license. A temporary license shall be valid for thirty days. An applicant may renew a
8 temporary license no more than twice. The department may charge a renewal fee for each
9 renewal of a temporary license.

650.560. The department may refuse to issue or renew any license required
2 pursuant to sections 650.550 to 650.564, for any one or any combination of causes stated
3 in section 650.556. The department shall notify the applicant in writing of the reasons for
4 the refusal and shall advise the applicant of his or her right to file a complaint with the
5 administrative hearing commission as provided by chapter 621, RSMo.

650.562. All licenses issued to surety recovery agents pursuant to the provisions of
2 sections 650.550 to 650.564 shall be valid for three years and may then be renewed, which
3 renewal shall be in the form and manner prescribed by the department and shall be
4 accompanied by the renewal fee set by the department.

650.564. 1. The department shall administer and enforce the provisions of sections
2 650.550 to 650.564, prescribe the duties of its officers and employees with respect to
3 sections 650.550 to 650.564, and promulgate such rules and regulations within the scope
4 and purview of the provisions of sections 650.550 to 650.564, as the director considers
5 necessary and proper for the effective administration and interpretation of the provisions
6 of sections 650.550 to 650.564.

7 2. The director shall set the amount of all fees authorized and required by the
8 provisions of sections 650.550 to 650.564, by rules and regulations promulgated pursuant
9 to chapter 536, RSMo. All such fees shall be set at a level designed to produce revenue
10 which shall not substantially exceed the cost and expense of administering the provisions
11 of sections 650.550 to 650.564.