

HB 1197 -- Bail Bond Agents

Sponsor: Behnen

This bill makes several changes to the laws regarding bail bond agents and establishes a licensing procedure for surety recovery agents, generally known as bounty hunters. The bill sets the requirements for obtaining a license to be a bail bond agent or surety recovery agent, establishes fees to cover the administration of the licensing, and grants authority to the Director of the Department of Insurance to regulate those agents. The bill:

(1) Prohibits engaging in the bail bond business without being licensed by the department. Violation is a class A misdemeanor, and any subsequent offense is a class D felony;

(2) Requires bail bond agents and surety recovery agents to receive at least 20 hours of basic training and eight hours of annual continuing education, with a curriculum approved by the department. The costs of the training are to be paid by the applicant, but in no case will be more than \$200 for the basic training and \$100 for the annual continuing education. Persons with at least two years of peace officer experience are exempt from training as a surety recovery agent;

(3) Requires a \$100 licensing fee, with licenses valid for two years;

(4) Allows the department to demand additional assignment of assets from a bail bond agent if circumstances warrant, up to \$25,000. Current law allows up to \$10,000 in assignments;

(5) Requires the collateral demanded by bail bond agents to be reasonable in relation to the amount of the bond;

(6) Allows the department to establish reciprocal agreements with other states which have similar qualifications and training requirements for bail bond industry licensees;

(7) Prohibits the granting of a bail bond agent license or surety recovery agent license to anyone who, within the last 15 years, has been convicted of a felony, a crime involving moral turpitude, child molestation, or any crime involving the use of a weapon;

(8) Grants the department authority to issue cease and desist orders to any person violating any of the provisions of the bill;

(9) Grants the department subpoena power to compel testimony

regarding possible violations;

(10) Allows surety recovery agents to apprehend defendants anywhere in the state without liability for false imprisonment. However, any agent who wrongfully causes damage to any person or property, including assault, will be liable for damages and may be liable for punitive damages;

(11) Allows a defendant to appear in court via counsel, rather than in person, without bond being forfeited;

(12) Allows the bail bond agent to be released from liability upon providing proof to the court that it is physically impossible to deliver the defendant, through no fault of the bail bond agent; and

(13) Allows the court to suspend the driver's license of any defendant who has forfeited his or her bond.