

**Representative Curtis Oda** proposes the following substitute bill:

**BAIL BOND AMENDMENTS**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Curtis Oda**

Senate Sponsor: Mark B. Madsen

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**LONG TITLE**

**General Description:**

This bill amends provisions of the Bail Bond Recovery Act regarding licenses and identification.

**Highlighted Provisions:**

This bill:

► requires that the Bureau of Criminal Identification review and act on ~~H→~~ [initial] **renewal** ~~←H~~ applications for bail recovery, bail enforcement, and bail apprentice licensure ~~H→~~ [and **also on renewals of licenses**] ~~←H~~ that ~~H→~~ [~~do not contain new or modified information~~] meet the application requirements for renewal ~~←H~~ ;

► provides that the Bail Bond Recovery Licensure Board process renewal applications for bail recovery, bail enforcement, and bail apprentice licensure that ~~H→~~ [~~contain new or modified information~~] that do not meet renewal requirements ~~←H~~ ;

► limits the display of the authorized badge, and gives bail enforcement licensees who are not wearing identifying clothing the option of displaying a badge upon the need to show proper authority to act as a bail enforcement agent or upon request, as long as the licensee also displays the licensee's identification card; ~~H→~~ [and] ;

► requires a bail enforcement agent who is acting to make a planned apprehension to wear identifying clothing in addition to displaying the badge;

► requires a bail enforcement agent who, while carrying out the agent's duties, comes into contact with a peace officer, to promptly provide identification to the officer; and ~~←H~~

► makes related amendments.

**Money Appropriated in this Bill:**

None



88 (15) check certain criminal records databases for information regarding driving  
 89 privilege card applicants or cardholders and maintain a separate file of fingerprints for driving  
 90 privilege applicants and cardholders and inform the federal Immigration and Customs  
 91 Enforcement Agency of the United States Department of Homeland Security or law  
 92 enforcement agencies when new entries are made in accordance with the requirements of  
 93 Section 53-3-205.5[-]; ~~H→ [and~~  
 94 ~~———— (16) review and approve or disapprove applications for licensure for bail enforcement~~  
 95 ~~agent, bail recovery agent, and bail apprentice;]~~  
 96 ~~[(17)] (16) ←H~~ review and approve or disapprove applications for license renewal  
 96a ~~H→ [-that, when~~  
 97 ~~compared to the applicant's most recent application for license renewal, contain no new or~~  
 98 ~~modified information regarding the qualifications for licensure described in Section 53-11-108]~~ that  
 98a ~~meet the requirements for renewal ←H~~ ;  
 99 and  
 100 ~~H→ [(18)] (17) ←H~~ forward to the board those applications for renewal under Subsection  
 100a (17) that  
 101 ~~H→ [contain new or modified information]~~ do not meet the requirements for renewal ←H .  
 102 Section 2. Section 53-11-105 is amended to read:  
 103 **53-11-105. Powers and duties of board.**  
 104 (1) The board shall:  
 105 (a) review all applications for ~~H→ [f]~~ licensing and ~~[t]~~ ←H renewals of licenses  
 105a ~~H→ submitted by the bureau ←H~~ under this chapter  
 106 ~~[and approve or disapprove all applications]~~ ~~H→ [that, when compared to the applicant's most recent~~  
 107 ~~application for renewal of licensure, contain new or modified information regarding the~~  
 108 ~~qualifications for licensure described in Section 53-11-108]~~ and approve or disapprove these  
 108a ~~applications ←H~~ ;  
 109 (b) review all complaints and take disciplinary action; and  
 110 (c) establish standards for and approve providers of courses required for licensure  
 111 under this section.  
 112 (2) The board may take and hear evidence, administer oaths and affirmations, and  
 113 compel by subpoena the attendance of witnesses and the production of books, papers, records,  
 114 documents, and other information relating to:  
 115 (a) investigation of an applicant for licensure under this chapter; or  
 116 (b) a formal complaint against or department investigation of a bail enforcement agent,  
 117 bail recovery agent, or bail recovery apprentice.  
 118 Section 3. Section 53-11-115 is amended to read:

119 **53-11-115. License fees -- Deposit in General Fund.**

120 (1) Fees for licensure, registration, and renewal are:

121 (a) for an original bail enforcement agent license application and license, \$250, which  
122 shall include the costs of fingerprint processing and background investigation;123 (b) for the renewal of a bail enforcement agent or bail bond recovery agency license,  
124 \$150;125 (c) for an original bail recovery agent license application and license, \$150, which shall  
126 include the costs of fingerprint processing and background investigation;

127 (d) for the renewal of each bail recovery agent license, \$100;

128 (e) for an original bail recovery apprentice license application and license, \$150, which  
129 shall include the costs of fingerprint processing and background investigation;

130 (f) for the renewal of each bail recovery apprentice license, \$100;

131 (g) for filing a renewal application under Subsection (1)(b) more than 30 days after the  
132 expiration date of the license, a delinquency fee of \$50;133 (h) for filing a renewal application under Subsection (1)(d) more than 30 days after the  
134 expiration date of the registration, a delinquency fee of \$30;135 (i) for filing a renewal application under Subsection (1)(f) more than 30 days after the  
136 expiration date of the apprentice license, a delinquency fee of \$30;137 (j) for the reinstatement of a bail enforcement agent or bail bond recovery agency  
138 license, \$50;

139 (k) for a duplicate identification card, \$10; and

140 (l) for reinstatement of an identification card, \$10.

141 (2) (a) The ~~H~~→ [board] [~~or the bureau, as authorized by Sections 53-10-202 and 53-11-105]~~141a ~~bureau~~ ←~~H~~ ,

142 may renew a license granted under this chapter upon receipt of an application on forms as

143 prescribed by the board and upon receipt of the fees prescribed in Subsection (1) ~~H~~→ , if the143a licensee's application meets all the requirements for renewal ←~~H~~ .143b ~~H~~→ (b) If the bureau determines the license renewal application does not meet all the143c requirements for renewal, the bureau shall submit the renewal application to the board for143d review and action.144 [~~(b)~~] ~~(c)~~ ←~~H~~ The renewal of a bail enforcement agent, bail recovery agent, or bail recovery  
145 apprentice license requires the filing of a liability insurance policy as required in Subsections  
146 53-9-110(2) and (3).147 ~~H~~→ [~~(c)~~] ~~(d)~~ ←~~H~~ A license may not be renewed more than 90 days after its expiration.148 ~~H~~→ [~~(d)~~] ~~(e)~~ ←~~H~~ A licensee may not engage in any activity subject to this chapter during

148a any period

149 between the date of expiration of the license and the renewal of the license.

150 (3) (a) The board may reinstate a suspended license upon completion of the term of  
151 suspension.

152 (b) Renewal of the license does not entitle the licensee, while the license remains  
153 suspended and until it is reinstated, to engage in any activity regulated by this chapter, or in any  
154 other activity or conduct in violation of the order or judgment by which the license was  
155 suspended.

156 (4) The board may not reinstate a revoked license or accept an application for a license  
157 from a person whose license has been revoked for at least one year after the date of revocation.

158 (5) All fees collected by the department under this section shall be deposited in the  
159 General Fund.

160 Section 4. Section **53-11-121** is amended to read:

161 **53-11-121. False representation as a licensee -- Badge -- Identifying clothing.**

162 (1) A licensee under this chapter may not wear a uniform, or use a title or identification  
163 card other than the one issued under this chapter, or make any statement that would lead a  
164 reasonable person to believe the licensee is connected in any way with the federal government  
165 or any state or local governmental entity, unless the licensee has received authorization in  
166 writing by one of those governmental authorities to do so.

167 (2) ~~(a)~~ A licensee may possess ~~[- wear, and display]~~ a badge of a design approved by  
168 the board for use by a licensee.

169 (3) ~~§→~~ ~~(a)~~ ~~←§~~ The licensee shall wear the badge under Subsection (2) in a manner that  
170 prevents the accidental or inadvertent display of the badge to persons in the presence of the  
171 licensee.

172 ~~§→~~ ~~(b)~~ ~~(4)~~ ~~←§~~ The licensee may ~~[wear or]~~ display the badge under Subsection (2) ~~(a)~~  
172a only if:

173 ~~§→~~ ~~(i)~~ ~~(a)~~ ~~←§~~ the licensee is also at the same time wearing an article of clothing that  
174 conspicuously displays on the chest and back of the article of clothing lettering that clearly  
175 identifies the licensee as a bail enforcement or recovery agent ~~[-];~~ ~~Ĥ→~~ ~~[or]~~ ~~←Ĥ~~

176 ~~§→~~ ~~(ii)~~ ~~(b)~~ ~~←§~~ the licensee also displays the licensee's identification card described in  
176a Section  
177 53-11-116.5, either:

178 ~~§→~~ ~~(A)~~ ~~(i)~~ ~~←§~~ upon request, while acting as a bail enforcement agent; or

179 ~~§→~~ ~~(B)~~ ~~(ii)~~ ~~←§~~ as necessary for the licensee to demonstrate authority while acting as a bail  
180 enforcement agent ~~Ĥ→~~ ~~[-]~~ ~~§→~~ ~~[-or]~~ ~~←§~~

180a ~~§→~~ ~~(iii)~~ ~~(c)~~ ~~←§~~ the licensee is making a planned apprehension of a defendant,  
180a1 ~~§→~~ and the licensee ~~←§~~ ~~§→~~ [in which case the  
180b licensee shall also wear] is also wearing ~~←§~~ an article of clothing described in Subsection  
180b1 ~~§→~~ ~~(-3)(b)(i)~~ ~~(4)(a)~~ ~~←§~~ or Subsection ~~§→~~ ~~(4)~~ ~~(5)~~ ~~←§~~

180c ~~§→ [and shall wear the clothing in the manner under Subsection (3)(a);] ←§ ←§ §→ ;~~  
180d (d) the licensee is making an apprehension that is unplanned and under exigent  
180e circumstances, and  
180f the licensee is not wearing clothing described in Subsection (4)(a) or Subsection (5); or  
180g (e) the licensee is acting as a bail enforcement agent but is not engaged in a planned  
180h apprehension or in another situation that does not require that the agent be wearing clothing  
180i as described in Subsection (4)(a) or (5) in order to display the badge. ←§

