

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

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

1st Sub. H.B. 386



26 **Other Special Clauses:**

27 None

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **53-10-202**, as last amended by Laws of Utah 2011, Chapter 428

31 **53-11-105**, as enacted by Laws of Utah 1998, Chapter 257

32 **53-11-115**, as last amended by Laws of Utah 2011, Chapter 432

33 **53-11-121**, as last amended by Laws of Utah 2010, Chapter 348



35 *Be it enacted by the Legislature of the state of Utah:*

36 Section 1. Section **53-10-202** is amended to read:

37 **53-10-202. Criminal identification -- Duties of bureau.**

38 The bureau shall:

39 (1) procure and file information relating to identification and activities of persons who:

40 (a) are fugitives from justice;

41 (b) are wanted or missing;

42 (c) have been arrested for or convicted of a crime under the laws of any state or nation;

43 and

44 (d) are believed to be involved in racketeering, organized crime, or a dangerous
45 offense;

46 (2) establish a statewide uniform crime reporting system that shall include:

47 (a) statistics concerning general categories of criminal activities;

48 (b) statistics concerning crimes that exhibit evidence of prejudice based on race,
49 religion, ancestry, national origin, ethnicity, or other categories that the division finds
50 appropriate; and

51 (c) other statistics as required by the Federal Bureau of Investigation;

52 (3) make a complete and systematic record and index of the information obtained
53 under this part;

54 (4) subject to the restrictions in this part, establish policy concerning the use and
55 dissemination of data obtained under this part;

56 (5) publish an annual report concerning the extent, fluctuation, distribution, and nature

57 of crime in Utah;

58 (6) establish a statewide central register for the identification and location of missing
59 persons, which may include:

60 (a) identifying data including fingerprints of each missing person;

61 (b) identifying data of any missing person who is reported as missing to a law
62 enforcement agency having jurisdiction;

63 (c) dates and circumstances of any persons requesting or receiving information from
64 the register; and

65 (d) any other information, including blood types and photographs found necessary in
66 furthering the purposes of this part;

67 (7) publish a quarterly directory of missing persons for distribution to persons or
68 entities likely to be instrumental in the identification and location of missing persons;

69 (8) list the name of every missing person with the appropriate nationally maintained
70 missing persons lists;

71 (9) establish and operate a 24-hour communication network for reports of missing
72 persons and reports of sightings of missing persons;

73 (10) coordinate with the National Center for Missing and Exploited Children and other
74 agencies to facilitate the identification and location of missing persons and the identification of
75 unidentified persons and bodies;

76 (11) receive information regarding missing persons, as provided in Sections 26-2-27
77 and 53A-11-502, and stolen vehicles, vessels, and outboard motors, as provided in Section
78 41-1a-1401;

79 (12) adopt systems of identification, including the fingerprint system, to be used by the
80 division to facilitate law enforcement;

81 (13) assign a distinguishing number or mark of identification to any pistol or revolver,
82 as provided in Section 76-10-520;

83 (14) check certain criminal records databases for information regarding motor vehicle
84 salesperson applicants, maintain a separate file of fingerprints for motor vehicle salespersons,
85 and inform the Motor Vehicle Enforcement Division when new entries are made for certain
86 criminal offenses for motor vehicle salespersons in accordance with the requirements of
87 Section 41-3-205.5; [and]

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 ~~[-];~~ ~~§→~~ ~~[or]~~ ~~←§~~

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 ~~§→~~ ~~[-]~~ ~~§→~~ ~~[-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. ←~~§~~

