

HB0386S01 compared with HB0386

~~{deleted text}~~ shows text that was in HB0386 but was deleted in HB0386S01.

inserted text shows text that was not in HB0386 but was inserted into HB0386S01.

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Representative Curtis Oda proposes the following substitute bill:

BAIL BOND AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis Oda

Senate Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ ~~{gives}~~ requires that the Bureau of Criminal Identification ~~{, as directed by the Bail Bond Recovery Licensure Board, the authority to}~~ review and act on initial applications for bail recovery, bail enforcement, and bail apprentice licensure and ~~{renewals of licenses, and approve certain applications for}~~ also on renewals of licenses that do not contain new or modified information;
- ▶ ~~{gives}~~ provides that the Bail Bond Recovery Licensure Board ~~{the authority to allow the Utah Bureau of Criminal Investigation to}~~ process renewal applications

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for bail recovery, bail enforcement, and bail apprentice licensure ~~and renewals of licenses~~ that contain ~~no~~ new or modified information; ~~and~~

- ▶ 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 ~~(.)~~; and
 - ▶ makes related amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

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

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

The bureau shall:

- (1) procure and file information relating to identification and activities of persons who:
 - (a) are fugitives from justice;
 - (b) are wanted or missing;
 - (c) have been arrested for or convicted of a crime under the laws of any state or nation;

and

- (d) are believed to be involved in racketeering, organized crime, or a dangerous

offense;

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

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

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- (b) statistics concerning crimes that exhibit evidence of prejudice based on race, religion, ancestry, national origin, ethnicity, or other categories that the division finds appropriate; and
- (c) other statistics as required by the Federal Bureau of Investigation;
- (3) make a complete and systematic record and index of the information obtained under this part;
- (4) subject to the restrictions in this part, establish policy concerning the use and dissemination of data obtained under this part;
- (5) publish an annual report concerning the extent, fluctuation, distribution, and nature of crime in Utah;
- (6) establish a statewide central register for the identification and location of missing persons, which may include:
 - (a) identifying data including fingerprints of each missing person;
 - (b) identifying data of any missing person who is reported as missing to a law enforcement agency having jurisdiction;
 - (c) dates and circumstances of any persons requesting or receiving information from the register; and
 - (d) any other information, including blood types and photographs found necessary in furthering the purposes of this part;
- (7) publish a quarterly directory of missing persons for distribution to persons or entities likely to be instrumental in the identification and location of missing persons;
- (8) list the name of every missing person with the appropriate nationally maintained missing persons lists;
- (9) establish and operate a 24-hour communication network for reports of missing persons and reports of sightings of missing persons;
- (10) coordinate with the National Center for Missing and Exploited Children and other agencies to facilitate the identification and location of missing persons and the identification of unidentified persons and bodies;
- (11) receive information regarding missing persons, as provided in Sections 26-2-27 and 53A-11-502, and stolen vehicles, vessels, and outboard motors, as provided in Section 41-1a-1401;

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

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

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

(15) check certain criminal records databases for information regarding driving privilege card applicants or cardholders and maintain a separate file of fingerprints for driving privilege applicants and cardholders and inform the federal Immigration and Customs Enforcement Agency of the United States Department of Homeland Security or law enforcement agencies when new entries are made in accordance with the requirements of Section 53-3-205.5[-]; and

(16) ~~{when authorized by the Bail Bond Recovery Licensure Board under Subsection 53-11-105(3):~~

~~—— (a) review}~~ review and approve or disapprove applications for ~~{license and license renewal}~~ licensure for bail enforcement agent, bail recovery agent, and bail apprentice; ~~{and}~~

~~(b) 17) {approve}~~ review and approve or disapprove applications for license renewal that, when compared to the applicant's most recent application for license renewal, contain no new or modified information regarding the qualifications for licensure described in Section 53-11-108; and

(18) forward to the board those applications for renewal under Subsection (17) that contain new or modified information.

Section 2. Section **53-11-105** is amended to read:

53-11-105. Powers and duties of board.

(1) The board shall:

(a) ~~{(i)}~~ review all applications for ~~[licensing and]~~ renewals of licenses under this chapter [and approve or disapprove all applications {;}] ~~{, except under Subsection (3)(b); and~~

~~—— (ii) act upon applications reviewed by the bureau under Subsection (3);}~~ that, when

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compared to the applicant's most recent application for renewal of licensure, contain new or modified information regarding the qualifications for licensure described in Section 53-11-108:

(b) review all complaints and take disciplinary action; and
(c) establish standards for and approve providers of courses required for licensure under this section.

(2) The board may take and hear evidence, administer oaths and affirmations, and compel by subpoena the attendance of witnesses and the production of books, papers, records, documents, and other information relating to:

(a) investigation of an applicant for licensure under this chapter; or
(b) a formal complaint against or department investigation of a bail enforcement agent, bail recovery agent, or bail recovery apprentice.

~~{(3) The board may authorize the Utah Bureau of Criminal Identification to:~~

~~(a) review applications for license renewal under this chapter; and~~

~~(b) approve applications that, when compared to the applicant's last application for licensure or renewal of licensure, contain no new or modified information regarding the qualifications for licensure described in Section 53-11-108.}~~

Section 3. Section 53-11-115 is amended to read:

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

(1) Fees for licensure, registration, and renewal are:
(a) for an original bail enforcement agent license application and license, \$250, which shall include the costs of fingerprint processing and background investigation;
(b) for the renewal of a bail enforcement agent or bail bond recovery agency license, \$150;
(c) for an original bail recovery agent license application and license, \$150, which shall include the costs of fingerprint processing and background investigation;
(d) for the renewal of each bail recovery agent license, \$100;
(e) for an original bail recovery apprentice license application and license, \$150, which shall include the costs of fingerprint processing and background investigation;
(f) for the renewal of each bail recovery apprentice license, \$100;
(g) for filing a renewal application under Subsection (1)(b) more than 30 days after the expiration date of the license, a delinquency fee of \$50;

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(h) for filing a renewal application under Subsection (1)(d) more than 30 days after the expiration date of the registration, a delinquency fee of \$30;

(i) for filing a renewal application under Subsection (1)(f) more than 30 days after the expiration date of the apprentice license, a delinquency fee of \$30;

(j) for the reinstatement of a bail enforcement agent or bail bond recovery agency license, \$50;

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

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

(2) (a) The board or the bureau, as authorized by Sections 53-10-202 and 53-11-105, may renew a license granted under this chapter upon receipt of an application on forms as prescribed by the board and upon receipt of the fees prescribed in Subsection (1).

(b) The renewal of a bail enforcement agent, bail recovery agent, or bail recovery apprentice license requires the filing of a liability insurance policy as required in Subsections 53-9-110(2) and (3).

(c) A license may not be renewed more than 90 days after its expiration.

(d) A licensee may not engage in any activity subject to this chapter during any period between the date of expiration of the license and the renewal of the license.

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

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

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

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

Section ~~33~~4. Section **53-11-121** is amended to read:

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

(1) A licensee under this chapter may not wear a uniform, or use a title or identification card other than the one issued under this chapter, or make any statement that would lead a

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reasonable person to believe the licensee is connected in any way with the federal government or any state or local governmental entity, unless the licensee has received authorization in writing by one of those governmental authorities to do so.

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

(3) (a) The licensee shall wear the badge under Subsection (2) in a manner that prevents the accidental or inadvertent display of the badge to persons in the presence of the licensee.

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

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

(ii) the licensee also displays the licensee's identification card described in Section 53-11-116.5, either:

(A) upon request, while acting as a bail enforcement agent; or

(B) as necessary for the licensee to demonstrate authority while acting as a bail enforcement agent.

~~[(3)]~~ (4) A licensee may wear a jacket of a distinctive design or style that bears a printed, embroidered, or otherwise permanently attached symbol, emblem, or insignia that:

(a) clearly identifies the wearer as a bail enforcement or recovery agent; and

(b) is approved by the board.

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Legislative Review Note

~~as of 2-28-13 12:15 PM~~

~~Office of Legislative Research and General Counsel}~~