

BAIL BOND LICENSING ACT

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Susan J. Koehn

AN ACT RELATING TO PUBLIC SAFETY; CHANGING THE NOTIFICATION
REQUIREMENT FOR BAIL BONDSMEN FROM 24 HOURS BEFORE AN APPREHENSION
TO WITHIN 24 HOURS OF AN APPREHENSION; ADDING A BADGE TO THE
IDENTIFICATION REQUIREMENT; AND MAKING TECHNICAL CORRECTIONS.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

53-11-123, as enacted by Chapter 257, Laws of Utah 1998

ENACTS:

53-11-116.5, Utah Code Annotated 1953

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

Section 1. Section **53-11-116.5** is enacted to read:

53-11-116.5. Badges.

(1) A person licensed under this chapter as a bail enforcement agent or a bail recovery agent may carry a badge **OR IDENTIFICATION CARD** issued under this section.

(2) (a) Bail bond agencies may submit designs for a badge **OR IDENTIFICATION CARD** that may be used for identification purposes by bail enforcement agents and bail recovery agents licensed under this chapter.

(b) The commissioner shall establish a procedure for the submitting of badge **OR IDENTIFICATION CARD** designs and shall select one design to be used for badges **OR IDENTIFICATION CARDS** issued under this section.

(c) The badge **OR IDENTIFICATION CARD** design:

(i) may not resemble any badge **[or]** , **shield** , **OR IDENTIFICATION CARD** currently in use by a law enforcement agency

- 26 within the state; and
- 27 (ii) shall include the license number of the licensee to whom the badge is issued **OR**
- 27a **IDENTIFICATION CARD** **is issued.**

(d) The department of public safety shall issue the badges h OR IDENTIFICATION CARDS h ,
 and may charge a fee per badge h OR IDENTIFICATION CARD h
 as necessary to cover the costs of providing the badges h OR IDENTIFICATION CARDS h .

(3) (a) If the license of a badge h OR IDENTIFICATION CARD h holder under this section is
 suspended or revoked, the
 badge h OR IDENTIFICATION CARD h holder shall immediately return the badge h OR
IDENTIFICATION CARD h to the bail bond agency by whom the holder is
 employed, and if the holder is not employed by an agency, the holder shall return the badge h OR
IDENTIFICATION CARD h within
 five days to the department of public safety.

(b) The employer to whom the badge h OR IDENTIFICATION CARD h is returned shall return
 the badge h OR IDENTIFICATION CARD h within five days
 to the department of public safety.

(4) A person other than the licensee to whom the badge h OR IDENTIFICATION CARD h is
 issued may not display the badge h OR IDENTIFICATION CARD h
 or otherwise use it for identification.

Section 2. Section **53-11-123** is amended to read:

53-11-123. Notification of local law enforcement.

(1) (a) A bail enforcement agent or bail recovery agent who is searching for or planning
 to apprehend a person shall notify the local law enforcement agency if the search or apprehension
 will be conducted in an occupied structure within that law enforcement agency's jurisdiction.

(b) h [Notification] WHEN POSSIBLE, NOTIFICATION h shall be provided h BEFORE
TAKING ACTION, BUT ALWAYS h [not less than] within 24 hours [before] of taking action
[is taken].

(c) When a bail enforcement agent or bail recovery agent is preparing to enter an occupied
 structure to carry out an arrest, he shall verbally advise the local law enforcement agency of his
 location and intended action prior to acting.

(2) A bail enforcement agent, bail recovery agent, and bail recovery apprentice shall each
 carry with him a written document providing proof and cause for the actions he is taking as a
 licensee, and shall make the document available to local law enforcement agencies upon request.

Legislative Review Note

as of 2-9-99 4:30 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel