

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 renewal applications for bail recovery, bail enforcement, and bail apprentice licensure that meet the application requirements for renewal;
 - ▶ provides that the Bail Bond Recovery Licensure Board process renewal applications for bail recovery, bail enforcement, and bail apprentice licensure that do not meet the renewal requirements;
 - ▶ 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;
 - ▶ 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
- ▶ makes related amendments.

Money Appropriated in this Bill:

30 None

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **53-10-202**, as last amended by Laws of Utah 2011, Chapter 428

36 **53-11-105**, as enacted by Laws of Utah 1998, Chapter 257

37 **53-11-115**, as last amended by Laws of Utah 2011, Chapter 432

38 **53-11-121**, as last amended by Laws of Utah 2010, Chapter 348

39

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

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

42 **53-10-202. Criminal identification -- Duties of bureau.**

43 The bureau shall:

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

45 (a) are fugitives from justice;

46 (b) are wanted or missing;

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

48 and

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

50 offense;

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

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

53 (b) statistics concerning crimes that exhibit evidence of prejudice based on race,

54 religion, ancestry, national origin, ethnicity, or other categories that the division finds

55 appropriate; and

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

57 (3) make a complete and systematic record and index of the information obtained

58 under this part;

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

61 (5) publish an annual report concerning the extent, fluctuation, distribution, and nature
62 of crime in Utah;

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

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

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

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

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

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

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

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

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

81 (11) receive information regarding missing persons, as provided in Sections 26-2-27
82 and 53A-11-502, and stolen vehicles, vessels, and outboard motors, as provided in Section
83 41-1a-1401;

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

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

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

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

99 (16) review and approve or disapprove applications for license renewal that meet the
100 requirements for renewal; and

101 (17) forward to the board those applications for renewal under Subsection (16) that do
102 not meet the requirements for renewal.

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

104 **53-11-105. Powers and duties of board.**

105 (1) The board shall:

106 (a) review all applications for licensing and renewals of licenses submitted by the
107 bureau under this chapter [~~and approve or disapprove all applications~~] and approve or
108 disapprove these applications;

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 [board] bureau may renew a license granted under this chapter upon receipt

142 of an application on forms as prescribed by the board and upon receipt of the fees prescribed in
143 Subsection (1), if the licensee's application meets all the requirements for renewal.

144 (b) If the bureau determines the license renewal application does not meet all the
145 requirements for renewal, the bureau shall submit the renewal application to the board for
146 review and action.

147 [~~(b)~~] (c) The renewal of a bail enforcement agent, bail recovery agent, or bail recovery
148 apprentice license requires the filing of a liability insurance policy as required in Subsections
149 53-9-110(2) and (3).

150 [~~(c)~~] (d) A license may not be renewed more than 90 days after its expiration.

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

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

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

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

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

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

164 **53-11-121. False representation as a licensee -- Badge -- Identifying clothing.**

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

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

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

174 [~~(b)~~] (4) The licensee may [~~wear or~~] display the badge under Subsection (2)[~~(a)~~] only
175 if:

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

179 (b) the licensee also displays the licensee's identification card described in Section
180 53-11-116.5, either:

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

182 (ii) as necessary for the licensee to demonstrate authority while acting as a bail
183 enforcement agent;

184 (iii) the licensee is making a planned apprehension of a defendant, and the licensee is
185 also wearing an article of clothing described in Subsection (4)(a) or Subsection (5);

186 (d) the licensee is making an apprehension that is unplanned and under exigent
187 circumstances, and the licensee is not wearing clothing described in Subsection (4)(a) or
188 Subsection (5); or

189 (e) the licensee is acting as a bail enforcement agent but is not engaged in a planned
190 apprehension or in another situation that does not require that the agent be wearing clothing as
191 described in Subsection (4)(a) or (5) in order to display the badge.

192 [~~(3)~~] (5) A licensee may wear a jacket of a distinctive design or style that bears a
193 printed, embroidered, or otherwise permanently attached symbol, emblem, or insignia that:

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

195 (b) is approved by the board.

196 (6) When a licensee is acting as a bail enforcement agent and interacts with a law
197 enforcement officer, the licensee shall, at the first opportunity, identify him or herself to the

198 law enforcement officer and shall provide identification as a bail enforcement agent.