

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

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 the Bureau of Criminal Identification, as directed by the Bail Bond Recovery Licensure Board, the authority to review applications for bail recovery, bail enforcement, and bail apprentice licensure and renewals of licenses, and approve certain applications for renewals of licenses;

▶ gives the Bail Bond Recovery Licensure Board the authority to allow the Utah Bureau of Criminal Investigation to process applications 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.

Money Appropriated in this Bill:

None

Other Special Clauses:



28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **53-10-202**, as last amended by Laws of Utah 2011, Chapter 428

32 **53-11-105**, as enacted by Laws of Utah 1998, Chapter 257

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[?]; and

94 (16) when authorized by the Bail Bond Recovery Licensure Board under Subsection
95 53-11-105(3):

96 (a) review applications for license and license renewal for bail enforcement agent, bail
97 recovery agent, and bail apprentice; and

98 (b) approve applications for license renewal.

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

100 **53-11-105. Powers and duties of board.**

101 (1) The board shall:

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

104 (ii) act upon applications reviewed by the bureau under Subsection (3);

105 (b) review all complaints and take disciplinary action; and

106 (c) establish standards for and approve providers of courses required for licensure
107 under this section.

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

111 (a) investigation of an applicant for licensure under this chapter; or

112 (b) a formal complaint against or department investigation of a bail enforcement agent,
113 bail recovery agent, or bail recovery apprentice.

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

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

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

119 Section 3. Section **53-11-121** is amended to read:

120 **53-11-121. False representation as a licensee -- Badge -- Identifying clothing.**

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

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

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

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

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

135 (ii) the licensee also displays the licensee's identification card described in Section
136 53-11-116.5, either:

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

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

140 ~~[(3)]~~ (4) A licensee may wear a jacket of a distinctive design or style that bears a
141 printed, embroidered, or otherwise permanently attached symbol, emblem, or insignia that:

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

143 (b) is approved by the board.

Legislative Review Note
as of 2-28-13 12:15 PM

Office of Legislative Research and General Counsel