

BAIL BOND RECOVERY ACT AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis Oda

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends the Bail Bond Recovery Act.

Highlighted Provisions:

This bill:

- ▶ prohibits a licensee from displaying a badge issued under the Bail Bond Recovery Act, or asserting authority under the Bail Bond Recovery Act, when the licensee is not present in Utah, unless the licensee is in the process of lawfully apprehending a defendant in relation to a Utah court proceeding; and
- ▶ provides for enforcement of the provisions of this bill.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-11-121, as last amended by Laws of Utah 2013, Chapter 396

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

Section 1. Section **53-11-121** is amended to read:

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



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

33 (2) A licensee may possess a badge of a design approved by the board for use by a
34 licensee.

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

37 (4) The licensee may display the badge under Subsection (2) only if:

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

41 (b) the licensee also displays the licensee's identification card described in Section
42 [53-11-116.5](#), either:

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

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

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

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

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

54 (5) A licensee may wear a jacket of a distinctive design or style that bears a printed,
55 embroidered, or otherwise permanently attached symbol, emblem, or insignia that:

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

57 (b) is approved by the board.

58 (6) When a licensee is acting as a bail enforcement agent and interacts with a law

59 enforcement officer, the licensee shall, at the first opportunity, identify him or herself to the
60 law enforcement officer and shall provide identification as a bail enforcement agent.

61 (7) (a) A licensee may not display the badge described in Subsection (2), or otherwise
62 assert authority to act as a licensee under this chapter, when the licensee is not in Utah, unless
63 the licensee is in the process of lawfully apprehending a defendant in relation to a Utah court
64 proceeding.

65 (b) The board may revoke the license of a licensee, or refuse to grant or renew the
66 license of an applicant, who violates Subsection (7)(a).

Legislative Review Note
Office of Legislative Research and General Counsel