

HB0453S01 compared with HB0453

~~{deleted text}~~ shows text that was in HB0453 but was deleted in HB0453S01.

inserted text shows text that was not in HB0453 but was inserted into HB0453S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Curtis Oda proposes the following substitute bill:

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; provides that the hours of experience required for licensure as a bail enforcement agent or a bail recovery agent shall be completed in Utah.

Money Appropriated in this Bill:

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None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

~~{53-11-121}~~53-11-109, as ~~{last amended}~~enacted by Laws of Utah ~~{2013, Chapter 396}~~
~~{1998, Chapter 257}~~

53-11-111, as enacted by Laws of Utah 1998, Chapter 257

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

Section 1. Section 53-11-109 is amended to read:

53-11-109. Licensure -- Bail enforcement agent.

(1) (a) In addition to the requirements in Sections 53-11-108 and 53-11-110, an applicant for licensure as a bail enforcement agent shall have a minimum of 2,000 hours of experience in Utah consisting of either actual bail recovery work, or work as a law enforcement officer for a federal, state, or local governmental agency.

(b) The applicant shall substantiate the experience claimed under Subsection (1) as qualifying experience and shall provide:

(i) the exact details as to the character and nature of the experience on a form prescribed by the department; and

(ii) certification by the applicant's employers, which is subject to independent verification by the board.

(c) If an applicant is unable to supply written certification of experience from an employer in whole or in part, an applicant may offer written certification from persons other than an employer covering the same subject matter for consideration by the board.

(d) The burden of proving completion of the required experience is on the applicant.

(2) An applicant for license renewal shall have completed not less than eight hours of continuing classroom instruction.

Section 2. Section 53-11-111 is amended to read:

53-11-111. Licensure -- Bail recovery agent -- Requirements and limitations.

(1) (a) In addition to the requirements in Sections 53-11-108 and 53-11-113, an

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applicant for licensure as a bail recovery agent shall meet all of the requirements under Section 53-11-109, but instead of the experience requirement under Subsection 53-11-109(1)(a), a bail recovery agent applicant shall have a minimum of 1,000 hours of experience in Utah consisting of either actual bail recovery work, or work as a law enforcement officer for a federal, state, or local governmental agency.

(b) The applicant shall substantiate the experience claimed under Subsection (1) as qualifying experience and shall provide:

(i) the exact details as to the character and nature of the experience on a form prescribed by the department; and

(ii) certification by the applicant's employers, which is subject to independent verification by the board.

(c) If an applicant is unable to supply written certification of experience from an employer in whole or in part, an applicant may offer written certification from persons other than an employer covering the same subject matter for consideration by the board.

(d) The burden of proving completion of the required experience is on the applicant.

(2) An applicant for license renewal shall have completed not less than eight hours of continuing classroom instruction.

(3) A bail recovery agent may work as a licensee under this chapter only as an employee of or as an independent contractor with a bail bond agency. A bail recovery agent may not:

(a) advertise his services;

(b) provide services as a licensee under this chapter directly for members of the public;

or

(c) employ or hire as independent contractors bail enforcement agents, bail recovery agents, or bail recovery apprentices.

~~{ Section 1. 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 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~~

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~~writing by one of those governmental authorities to do so.~~

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

~~—— (3) 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.~~

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

~~—— (a) 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;~~

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

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

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

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

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

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

~~—— (5) 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.~~

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

~~—— (7) (a) A licensee may not display the badge described in Subsection (2), or otherwise assert authority to act as a licensee under this chapter, when the licensee is not in Utah, unless~~

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~~the licensee is in the process of lawfully apprehending a defendant in relation to a Utah court proceeding.~~

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

Legislative Review Note

Office of Legislative Research and General Counsel