Purpose: This course will cover all aspects of controlling and limiting liability for the Bail Agent and Agency.

Class Outline:
1. Introduction of Students and Course
2. If you write Bails… you will get Skips
3. Bail Jumper – Relationship with Law Enforcement and the “State”
4. Do your homework and do it right!
5. The Apprehension
6. Nothing but the Facts of Extradition
7. Strong Arm of the Legal System
8. Networking “Key to Success”
9. Goals and Benchmarks

Contents:
1. Bounty Hunter Laws
2. Who’s Who in Jail Management
3. American Jail Association
4. VINE (Victim Information & Notification Everyday) www.vinelink.com
5. Prison Search – Free Prison Inmate Locators
Bounty Hunter Laws

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Edited by: Dennis A. Bartlett
Courtesy of http://www.americanbailcoalition.com

A. States outlawing commercial bonding, utilizing public bail systems, or banning bounty hunting

1. Wisconsin
Wis. Stat. § 969.12 provides that no surety can be compensated for serving as a surety, effectively eliminating the commercial bond market. See Kahn v. McCormack, 299 N.W.2d 279 (Ct. App. 1980)(upholding constitutionality of statute and stating that purpose of the law is to eliminate the commercial bond industry).

2. Oregon
Defendant only can be released from custody on conditional release, deposit bond, or on his own recognizance (i.e., no surety bonds). Or. Rev. Stat. §§ 135.255, .260, .265. In State v. Epps, 585 P.2d 425 (Or. 1978), the Oregon Supreme court abolished the broad common law rights of bounty hunters and bond agents, and applied the Uniform Criminal Extradition Act to bounty hunters seeking to take defendants over state lines.

3. Illinois

4. Kentucky

B. States eliminating free lance bounty hunters, but allowing full time "runners" who work for 1 bond agent at a time.

1. Florida
All bail runners must be licensed, and work only for one bond agent (i.e., eliminating free lance bounty hunters), be over 18, a resident of the state, have no criminal record, and pass a certification course, Fla. Stat. § 648.37. One cannot make an arrest on an out of state bond unless the person is licensed in the state or the state where the bond was written. Fla. Stat. § 648.30.

2. North Carolina
All bail runners must be licensed. N.C. Gen. Stat. §§ 58-71-40. Runner must be over 18, no felony convictions, a resident of the state, have necessary training and experience., N.C. Gen.

3. **South Carolina**

   All bail runners are required to be licensed (S.C. Stat 38-53-80), can have no criminal record for the past ten years, must be a resident of the state, be over 18 (38-53-90), must take a 20 hour class and pass an examination (S.C. Stat. 38-53-80) and can only work for one bond agent who will supervise and be responsible for their conduct (38-53-120). Bond agents must supply to clerk of court in the county where they operate a list of their runners. (38-53-120).

C. **States Requiring Licensing (11 states)**

1. **Indiana**

   Recovery agents must be licensed. Ind. Code Ann. § 27-10-3-1 (1997). To obtain a license, recovery agents must be at least 18 years old, be a citizen of the U.S., be a resident of the state for at least 6 months, at least 10 years must have elapsed after any felony conviction to obtain a license (5 years for misdemeanor), Ind. Code Ann. § 27-10-3-5, and they must pass an examination given by the State, Ind. Code Ann. § 27-10-3-6. Recovery agents must notify the sheriff in their respective locales of residence, Ind. Code Ann. § 27-10-3-17, and bail bond agents must give the state a list of recovery agents they employ. Ind. Code Ann. § 27-10-3-14. Bail bond agent and bounty hunter cannot forcibly enter the home of a third party. Mishler v. State, 660 N.E.2d 343 (Ind. App. 1996).

2. **Nevada**

   All bond agents and their agents must be licensed. Nev. Code §§ 697.090, 697.180. To obtain a license, a bail enforcement agent must be at least 21 years old, be a U.S. citizen, have a high school diploma or equivalent, have no felony record, pass a psychological examination, pass a written examination, and pass a drug test. Nev. Code §§ 697.173, 697.200 (written examination), 697.186 (letter from police saying no criminal record). Bounty hunter also must take a training class within nine months of being hired as a bounty hunter. Nev. Code § 697.177. After making an arrest, bail enforcement agent must notify the local law enforcement agency of the jurisdiction in which the defendant was apprehended of his identity, the identity of the defendant, and where the defendant is being taken to be surrendered into custody. Before forcibly entering an inhabited dwelling, a bail enforcement agent must notify the local law enforcement. Nev. Code. § 697.325.

3. **Mississippi**

   Bail enforcement agents must be licensed. Requirements are being at least 21 years of age, resident of the state at least 1 year, no felony record. Miss. Stat. Ann. § 83-39-3.

4. **South Dakota**

   Bail runner must be licensed, and have no felony record. S.D.C.L. §§ 58-22-12, 58-22-13 (must submit fingerprints), 58-22-16 (must pass a written examination). Bond agent must notify the state of the runners they employ. S.D.C.L. §§ 58-22-27, 58-22-52. Out of state bail agent or
runner must notify local law enforcement where he intends to conduct activities, and present evidence of out of state license. If he has no license, he cannot conduct search and arrest activities. § 58-22-51.

5. Connecticut
Requires licensing, training (20 hours of study), and background checks (no felony record). Police officers are forbidden from being bounty hunters. Bounty hunters must notify local police before making an arrest, and cannot carry wear clothes or carry a badge suggesting he is an agent of the state or federal government. C.G.S.A. § 29-152e through §29-152l.

6. Arizona
Bounty hunters must be licensed (Ariz. Rev. Stat. § 13-3885), pass a background check (Ariz. Rev. Stat. § 20-323), and complete a training class (Ariz. Rev. Stat. §§ 20-3001 through 3005). Bounty hunters only can enter a home with the consent of the occupants present at the time of entry, and cannot wear clothes indicating that the bounty hunter is a state or federal official. Bond agents must notify the state that they are utilizing particular bounty hunters. Once a year, bond agents also must notify the state of all bounty hunters they have used. Out of state bounty hunters must contract with Arizona licensed recovery agents. Ariz. Rev. Stat. § 13-3885.

7. Utah
Bounty hunters must be licensed (Utah Code Ann. § 53-11-107), be 21 years of age, a citizen or legal resident of U.S., complete a state background check, a training class, and perform minimum time in the field as an apprentice, bond agent, or law enforcement officer (Utah Code Ann. § 53-11-108, et. seq.). Local police must be notified before making an arrest. (Utah Code Ann. §§ 53-11-122, 123).

8. Iowa
Bounty hunters must be licensed and notify local police of a defendant's location before making an arrest. Iowa Code § 80A.3. A victim can sue a bail bond agent as well as the bounty hunter for misconduct. Iowa Code § 80A.16A. A bounty hunter cannot enter the home of or use force against an innocent third party. State v. McFarland, 598 N.W.2d 318 (Iowa Ct. App. 1999).

9. Louisiana
All recovery agents must be licensed by DOI. There are education requirements to obtain and keep license. Out of state recovery personnel must contract with a bail agent licensed in Louisiana. Recovery personnel required to wear apparel identifying bail bond company during apprehension or surrender in a private residence. For apprehension in a private residence, notification of local law enforcement required. (LAC Title 37, Part XVIII, Ch. 49, Reg 65, Sec. 4901 et seq.)

10. California
Bail fugitive recovery agents must be 18 years old, have no felony convictions, complete a specified training courses, and notify local law enforcement of their intent to apprehend a bail fugitive no more than 6 hours before doing so. They must have written authorization from the bond agent when making an arrest, and cannot forcibly enter any premises, except pursuant to certain existing provisions of law governing arrest by a private person. Bounty hunters cannot
represent themselves as law officers, or wear badges or uniforms that a reasonable person might mistake for a government agency. All bounty hunters must carry with them a certification of completion of required courses and training programs. Out of state bounty hunters must be licensed in their home states, or be licensed bail agents. Private detectives need not obtain a separate bounty hunter license to operate in the state. This law will remain in effect only until January 1, 2005. Cal. Penal Code § 1299. In addition, bounty hunter or bond agent who captures defendant in California must go through extradition procedures to transport him interstate. Cal. Penal Code § 847.5 (1995 West); Ouzts v. Maryland Nat'l Ins. Co., 505 F.2d 547 (9th Cir.1974). After an arrest of a defendant on bail, the surety must deliver him to the court or police within 48 hours of the arrest if it occurs within California; if the arrest occurs out of state, the surety must deliver the defendant within 48 hours of their entering California. Cal. Penal Code § 1301.

11. West Virginia
All "bail bond enforcers" must register with the West Virginia state police. That registration must: (1) identify at least one bond agent for whom the enforcer is authorized to act, (2) include written authorization from that bonding agent, (3) include the enforcer's certified fingerprints, and (4) include one photograph. To register, an enforcer must be at least 21 years old, a citizen of the U.S., and have no felony convictions. A bonding agent can grant an ongoing 2-year authorization to an enforcer who is a West Virginia citizen to seek all defendants for whom the bonding agent acts as surety. The bonding agent otherwise can grant a 60 day authorization to an enforcer, in which case the enforcer must notify the state police of the time and place of any proposed action, and if the enforcer is not a state resident, he also must notify the police the date he will enter the state. Out of state bounty hunters must abide by the same requirements of in-state (including written authorization from in-state bonding agent). An enforcer is to be considered the legal agent of the bonding agent. An enforcer cannot: (1) enter an occupied residential structure (i.e., a house or apartment) without the consent of the occupants who are then present, (2) arrest a defendant without written authorization from the bondsman, (3) wear or carry any uniform or badge that implies that the enforcer is a state agent or employee (but "may display identification that indicates his or her status as a bail bond enforcer only"), and (4) must exercise due care to protect the safety of third parties. H.B. 4481 (Enacted April 4, 2000).

D. Other State Laws

1. New Hampshire
Recovery agents must be trained and certified through a program approved by the Professional Bail Agents of the United States, and register with the Secretary of State (who will issue proof of registration). Bail agency must have at least $300,000 in liability insurance for recovery activities, and recovery agents acting as independent contractors must have liability insurance of at least $300,000. Bail agents and recovery agents must inform the chief of police of the relevant municipality when searching for bail jumper. N.H. Stat. § 597:7-b.

2. Georgia
Bounty hunter must be at least 25 years old, must be a U.S. citizen, must obtain a gun permit, and must notify the local police of the intended arrest. Bondsmen must register with the sheriff of the county in which the bondsman is a resident all bail recovery agents that he employs. A bounty hunter must carry identification cards issued by bondsman, which describe the bounty
hunter's physical appearance, and contains the bondsman's signature. Bounty hunter cannot wear clothing or carry badges suggesting that he is a public employee. An out of state recovery agent must be able to prove that he is licensed in his home state, or hire a Georgia bounty hunter if there is no licensing law in his home state. Ga. Code § 17-6-56 through 17-6-58.

3. Colorado
Bond agents must take class in bail recovery, and a bond agent who wants to hire anyone other than another licensed bail agent to perform recovery work must submit to the state a certificate showing that such person has received training from a bail recovery training program, and submit his fingerprints (the person cannot have a criminal record). The bail agent then cannot hire this person until the state completes a background check based on the fingerprints. Col. Rev. Stat. § 12-7-105.5.

4. Tennessee
A bounty hunter cannot have criminal record, must notify local police of defendant's location, and present to the police a copy of the warrant, a copy of the bond, and evidence that bounty hunter has been hired by bond agent. Tenn. Code Ann. § 40-11-3.

5. Arkansas
H.B. 1163, enacted April 15, 1999. Only licensed bail agents, private investigators, or law enforcement officers, or people who have 2 years of actual work as a licensed investigator, bond agent, or law enforcement officer can seek and arrest fugitives. Such person must be at least 21 years of age, have no felony record, and notify the local police of his presence and provide them with the defendant's name, charges, and suspected location.

6. Texas

7. Oklahoma
Out of state bounty hunter or bond agent must be accompanied by peace officer or licensed Oklahoma bond agent when seeking to apprehend bail jumper. Okl. Stat. § 1750.14.

Courtesy of www.aja.org

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