
Commerce & Labor Committee

HB 2060

Brief Description: Requiring certification of bail bond recovery agents.

Sponsors: Representatives Boldt and Carrell.

Brief Summary of Bill

- Requires bail bond agents or agencies to certify bail bond recovery agents.

Hearing Date: 3/3/03

Staff: Matt Cooper (786-7106).

Background:

Bail is an amount of money that must be deposited with a court before someone charged with a crime may be released pending trial. This is intended to ensure that a defendant will be present for future court hearings. If a defendant released on bond does not appear, the court may revoke the bond, forfeiting the money deposited with the court.

For a fee, bail bond agents post the bond required by the court on behalf of the defendant. If the defendant does not appear at a court hearing and the bond is forfeited, the bail bond agent may find and apprehend the defendant and turn that person over to the court. Either the bail bond agent or a bail bond recovery agent may do this. When the defendant is returned to the court, the bond agent's funds are returned.

Businesses that issue bail bonds must be licensed by the Department of Licensing (Department) as a bail bond agency. To qualify for a license, an agency must be operated by a licensed bail bond agent who either has taken an additional test given by the Department, or has three years experience as a bail bond agent.

Individuals who are employed by a bail bond agency in the issue bail bonds must be licensed by the Department as a bail bond agent. To qualify for a license an individual must be over 18 years of age, a citizen or resident alien of the united states, have no criminal convictions in the past ten years, and be employed by a bail bond agency. The Director may also establish rules for training requirements for bail bond agents.

There are no licensing requirements for persons who act as bail bond recovery agents.

Summary of Bill:

Bail bond recovery agents must be certified by a bail bond agent or agency.

To certify a recovery agent, a bail bond agent or agency must verify that the individual who will act as a bail bond recovery agent meets the requirements established by the Director of the Department.

The Director must make rules that establish the requirements to be certified as a bail bond recovery agent. The rules must address:

- education or experience in performing the duties of a bail bond recovery agent;
- instruction on criminal and civil law;
- instruction on the appropriate use of force;
- training on firearms use from the criminal justice training commission; and
- possession of a concealed pistol license.

An agent or agency that certifies a recovery agent may impose more strict standards than those established by the Director. The bail bond agent or agency may determine the duration of the certificate. Certificates issued by one bail bond agent are not transferable to allow a recovery agent to work for another bail bond agent.

Bail bond agents who use uncertified or improperly certified bail bond recovery agents may be subject to administrative action against their license. Any person who acts as a bail bond recovery agent without proper certification may be charged with a gross misdemeanor.

Rules Authority: The bill contains provisions addressing the rule-making powers of the Department.

Appropriation: None.

Fiscal Note: Requested on February 26, 2003.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.