

2313-S

Sponsor(s): House Committee on Commerce & Labor (originally sponsored by Representatives Carrell, Boldt and Mielke)

Brief Description: Regulating bail bond recovery agents.

**HB 2313-S - DIGEST**

(DIGEST AS ENACTED)

Recognizes that bail bond agents and bail bond recovery agents serve a necessary and important purpose in the criminal justice system by locating, apprehending, and surrendering fugitive criminal defendants.

Recognizes that locating, apprehending, and surrendering fugitives requires special skills and expertise; that bail bond agents and bail bond recovery agents are often required to perform their duties under stressful and demanding conditions; and that it serves the public interest to have qualified people performing such essential functions.

Provides that an applicant must meet the following requirements to obtain a bail bond recovery agent license: (1) Submit a fully completed application that includes proper identification on a form prescribed by the director;

(2) Pass an examination determined by the director to measure his or her knowledge and competence in the bail recovery business;

(3) Be at least twenty-one years old;

(4) Be a citizen or legal resident alien of the United States;

(5) Not have been convicted of a crime in any jurisdiction, if the director determines that the applicant's particular crime directly relates to a capacity to perform the duties of a bail bond recovery agent, and that the license should be withheld to protect the citizens of Washington state. The director shall make the director's determination to withhold a license because of previous convictions notwithstanding the restoration of employment rights act, chapter 9.96A RCW;

(6) Submit a receipt showing payment for a background check through the Washington state patrol and the federal bureau of investigation;

(7) Have a current firearms certificate issued by the commission if carrying a firearm in the performance of his or her duties as a bail bond recovery agent;

(8)(a) Have a current license to carry a concealed pistol if carrying a firearm in the performance of his or her duties as a bail bond recovery agent; (b) a resident alien must provide a copy of his or her alien firearm license if carrying a firearm in the performance of his or her duties as a bail bond recovery agent; and

(9)(a) Pay the required nonrefundable fee for each application for a bail bond recovery agent license; (b) a bail bond agent or qualified agent who wishes to perform the duties of a bail bond recovery agent must first obtain a bail bond recovery agent endorsement to his or her bail bond agent or agency license in order to act as a bail bond recovery agent, and pay the required nonrefundable fee for each application for a bail bond recovery

agent endorsement.

Provides that applicants for licensure or endorsement as a bail bond recovery agent must complete a records check through the Washington state patrol criminal identification system and through the federal bureau of investigation at the applicant's expense.

Requires the director to adopt rules establishing prelicense training and testing requirements, which shall include a minimum of four hours of classes. The director may establish, by rule, continuing education requirements for bail bond recovery agents.

Provides that, after December 31, 2005, a person is guilty of a gross misdemeanor if the person: (1) Performs the functions of a bail bond recovery agent without first obtaining a license from the department and entering into a contract with a bail bond agent as required by this act; or, in the case of a bail bond recovery agent from another state, the person performs the functions of a bail bond recovery agent without operating under the direct supervision of a licensed bail bond recovery agent as required by this act; or

(2) Conducts a planned forced entry without first complying with the requirements of this act.