

2313

Sponsor(s): Representatives Carrell, Boldt and Mielke

Brief Description: Regulating bail bond recovery agents.

HB 2313 - DIGEST

(SUBSTITUTED FOR - SEE 1ST SUB)

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 fugitives.

Recognizes that locating, apprehending, and surrendering fugitives requires special skills and knowledge; that 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. The legislature does not intend by this act to restrict or limit in any way the powers of bail bond recovery agents as recognized in and derived from the United States Supreme Court case of *Taylor v. Taintor*, 16 Wall. 366 (1872).

Declares that a person may not perform the functions of a bail bond recovery agent unless the person is certified by the department under chapter 18.185 RCW.

Provides that, before a bail bond recovery agent may apprehend a person subject to a bail bond in a planned forced entry, the bail bond recovery agent must notify an appropriate law enforcement agency in the local jurisdiction in which the apprehension is expected to occur.

Provides that, after December 31, 2005, a person is guilty of a gross misdemeanor if: (1) The person performs the functions of a bail bond recovery agent without first obtaining a certificate from the department and entering into a contract with a licensee as required by chapter 18.185 RCW; 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 certified bail bond recovery agent as required by this chapter; or

(2) The person conducts a planned forced entry without first complying with the requirements of this chapter.