ENGROSSED HOUSE BILL NO. 2294
By: Strom of the House and Bullard of the Senate

An Act relating to professions and occupations; amending 59 O.S. 2021, Section 1350.1, which relates to the Bail Enforcement and Licensing Act; clarifying scope of definition; adding definition; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 59 O.S. 2021, Section 1350.1, is amended to read as follows:

Section 1350.1 As used in the Bail Enforcement and Licensing Act:

1. "Armed bail enforcer" means a bail enforcer having a valid license issued by the Council on Law Enforcement Education and Training authorizing the holder to carry an approved pistol, long gun, or weapon in the recovery of a defendant pursuant to the Bail Enforcement and Licensing Act;

2. "Bail enforcer" means a person who acts, engages in, solicits or offers services to:
a. execute a prior to breach recovery of a defendant on an undertaking or bail bond contract, or

b. execute a recovery of a defendant for failure to appear on an undertaking or bail bond contract issued in this state, another state or the United States.

The term "bail enforcer" does not include any law enforcement officer actively employed by a law enforcement agency recognized in this state, or any of its political subdivisions, another state or the United States, while such officer is engaged in the lawful performance of duties authorized by his or her employing law enforcement agency, a bondsman licensed in this state and acting under the authority of his or her undertaking or bail contract or a licensed bondsman appointed by an insurer in this state with regard to a defendant on a bond posted by that insurer;

3. "Bail recovery contract" or "client contract" means an agreement to perform the services of a bail enforcer for a client. Only a bail enforcer licensed by the Council may enter into a client contract to perform the services of a bail enforcer. A bail enforcer is liable for his or her acts and omissions while executing a recovery of a defendant pursuant to a client contract;

4. "Client" means a bondsman or surety on an undertaking or bail bond contract issued in this state, another state or the United States that enters into a contract for the services of a bail enforcer;
5. "Council" or "CLEET" means the Council on Law Enforcement Education and Training;

6. "Defendant" means the principal on an undertaking or bail bond contract;

7. "License" means authorization issued by the Council pursuant to the Bail Enforcement and Licensing Act permitting the holder to perform functions and services as a bail enforcer;

8. "Long gun" means a shotgun or rifle with a barrel length of at least eighteen (18) inches designed or intended to be fired when braced against the shoulder;

9. "Weapon" means taser, stun gun, baton, night stick or any other device used to subdue a defendant, or any noxious substances as defined in paragraph 10 of this subsection;

9. 10. "Recovery" or "surrender" means the presentation of a defendant to the public officer competent to receive the defendant into custody; and

10. 11. "Noxious substance" means OC spray, pepper spray, mace or any substance used as a physiological irritant.

SECTION 2. This act shall become effective November 1, 2023.
Passed the House of Representatives the 8th day of March, 2023.

Presiding Officer of the House of Representatives

Passed the Senate the ___ day of __________, 2023.

Presiding Officer of the Senate