
HOUSE BILL 2533

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By Representatives Carrell, Sheahan, Costa, O'Brien, Boldt, Zellinsky, Backlund, Quall, Talcott, Delvin, Robertson, Wensman, Poulsen, Benson, K. Schmidt, D. Sommers, Mielke, Pennington, Lambert, Sterk, Bush, Cody, L. Thomas, Mitchell, Koster, Lantz, Smith, Kastama, Thompson, Dunshee, McCune and Mulliken

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1 AN ACT Relating to bail enforcement agents; amending RCW
2 18.185.010, 18.185.040, 18.185.050, 18.185.057, 18.185.110, 18.185.120,
3 18.185.130, 18.185.140, 18.185.170, and 70.48.100; adding new sections
4 to chapter 18.185 RCW; adding a new section to chapter 43.101 RCW; and
5 prescribing penalties.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 18.185 RCW
8 to read as follows:

9 The legislature recognizes that it is within the public interest to
10 remove fugitives from the street and that bail enforcement agents serve
11 a useful purpose in the criminal justice system. The legislature also
12 recognizes that locating, apprehending, and surrendering fugitives
13 requires special skills and knowledge, and that bail enforcement agents
14 are often required to perform their duties under stressful and
15 demanding conditions. Therefore, in the interest of public safety, the
16 legislature finds it necessary for individuals to meet certain minimum
17 qualifications before they can perform the duties of bail enforcement
18 agents.

1 In addition, the legislature recognizes that bail enforcement
2 agents often communicate with law enforcement agencies and that such
3 communication allows the bail enforcement agent to better perform his
4 or her duties and ensures that the local law enforcement agency is
5 aware of the activities in its jurisdiction. The legislature therefore
6 encourages maximum cooperation and communication between bail
7 enforcement agents and local law enforcement agencies for the purposes
8 of serving the public interest.

9 **Sec. 2.** RCW 18.185.010 and 1996 c 242 s 1 are each amended to read
10 as follows:

11 Unless the context clearly requires otherwise, the definitions in
12 this section apply throughout this chapter.

13 (1) "Department" means the department of licensing.

14 (2) "Director" means the director of licensing.

15 (3) "Collateral or security" means property of any kind given as
16 security to obtain a bail bond.

17 (4) "Bail bond agency" means a business that sells and issues
18 corporate surety bail bonds or that provides security in the form of
19 personal or real property to insure the appearance of a criminal
20 defendant before the courts of this state or the United States.

21 (5) "Qualified agent" means an owner, sole proprietor, partner,
22 manager, officer, or chief operating officer of a corporation who meets
23 the requirements set forth in this chapter for obtaining a bail bond
24 agency license.

25 (6) "Bail bond agent" means a person who is employed by a bail bond
26 agency and engages in the sale or issuance of bail bonds, but does not
27 mean a clerical, secretarial, or other support person who does not
28 participate in the sale or issuance of bail bonds.

29 (7) "Licensee" means a bail bond agency or a bail bond agent or
30 both.

31 (8) "Branch office" means any office physically separated from the
32 principal place of business of the licensee from which the licensee or
33 an employee or agents conduct any activity meeting the criteria of
34 (({a}) a bail bond agency.

35 (9) "Bail enforcement agent" means a person who receives
36 compensation or reward for apprehending and surrendering a defendant.
37 "Bail enforcement agent" does not include a bail bond agent or
38 qualified agent who apprehends and surrenders a defendant for whom the

1 bail bond agent or qualified agent posted a bond. "Bail enforcement
2 agent" does not include any law enforcement officer.

3 (10) "Independent bail enforcement agent" means a bail enforcement
4 agent who is not affiliated or employed by one bail bond agency, bail
5 bond agent, or qualified agent and who enters into individual contracts
6 with bail bond agencies, bail bond agents, or qualified agents to
7 perform the duties of a bail enforcement agent.

8 (11) "Affiliated bail enforcement agent" means a bail enforcement
9 agent who is employed by one bail bond agency, bail bond agent, or
10 qualified agent to perform the duties of a bail enforcement agent.

11 (12) "Commission" means the criminal justice training commission
12 established in chapter 43.101 RCW.

13 (13) "Planned forced entry" means a premeditated forcible entry
14 into a building or dwelling without the occupants' knowledge or consent
15 when the bail enforcement agent knows that the defendant is hiding or
16 otherwise securing himself or herself in the building or dwelling.
17 "Planned forced entry" does not include situations when, during the
18 actual chase of a fleeing defendant, the bail enforcement agent enters
19 into a building or dwelling without advanced planning.

20 NEW SECTION. Sec. 3. A new section is added to chapter 18.185 RCW
21 to read as follows:

22 (1) A person must meet the following minimum requirements to obtain
23 a bail enforcement agent certificate:

24 (a) Be at least twenty-one years of age;

25 (b) Be a citizen or resident alien of the United States;

26 (c) Not have been convicted of a crime in any jurisdiction in the
27 preceding ten years that the director determines directly relates to
28 the capacity to perform the duties of a bail enforcement agent. If the
29 director determines that the person should not be allowed to act as a
30 bail enforcement agent for the protection of the citizens of Washington
31 state, the director's determination must be consistent with the
32 restoration of employment rights act, chapter 9.96A RCW;

33 (d) Not currently be engaged in law enforcement or be vested with
34 police powers;

35 (e) Have passed a written examination given by the department
36 measuring knowledge and competence of the bail bond business and
37 relevant statutes and case law. The department shall formulate the
38 examination after consulting with the bail bond industry;

1 (f) Have a license to carry a concealed pistol;
2 (g) Have a current firearms certificate issued by the commission;
3 and

4 (h) Have filed with the director the bond required in subsection
5 (2) of this section if the applicant is not employed by or does not
6 have an employment offer from a licensed bail bond agency, bail bond
7 agent, or qualified agent.

8 (2)(a) No bail enforcement agent certificate may be issued under
9 this chapter to an applicant who will act as an independent bail
10 enforcement agent unless the person files with the director a bond,
11 executed by a surety company authorized to do business in this state,
12 in the sum of ten thousand dollars conditioned to recover against the
13 independent bail enforcement agent and his or her servants, officers,
14 and employees for injury or damages or for violation of any provision
15 in this chapter. The bond shall be made payable to the state of
16 Washington, and anyone so injured by the independent bail enforcement
17 agent or his or her servants, officers, or employees may bring suit
18 upon the bond in any county in which jurisdiction over the independent
19 bail enforcement agent may be obtained. The suit must be brought no
20 later than two years after the injury. An action upon the bond is not
21 an exclusive remedy.

22 (b) Every independent bail enforcement agent must at all times
23 maintain on file with the director, and in full force and effect, the
24 bond required by this section. Upon failure by an independent bail
25 enforcement agent to do so, the director shall suspend the independent
26 bail enforcement agent's certificate and shall not reinstate the
27 certificate until this requirement is met.

28 (c) In lieu of posting a bond, an independent bail enforcement
29 agent may deposit in an interest-bearing account the amount required.

30 (3) The department shall issue a bail enforcement agent certificate
31 to any person satisfying the requirements in subsection (1) of this
32 section.

33 NEW SECTION. **Sec. 4.** A new section is added to chapter 18.185 RCW
34 to read as follows:

35 A bail bond agency, bail bond agent, or qualified agent who employs
36 an affiliated bail enforcement agent or contracts with an independent
37 bail bond agent is liable for the acts of the bail enforcement agent
38 during the course of the apprehension and surrender of the defendant.

1 NEW SECTION. **Sec. 5.** A new section is added to chapter 18.185 RCW
2 to read as follows:

3 Any bail bond agent or qualified agent licensed under this chapter
4 who apprehends and surrenders defendants for whom the bail bond agency,
5 bail bond agent, or qualified agent posted bond must obtain the same
6 firearms training as required of bail enforcement agents and possess a
7 license to carry a concealed pistol and a current firearms certificate
8 issued by the commission.

9 NEW SECTION. **Sec. 6.** A new section is added to chapter 18.185 RCW
10 to read as follows:

11 (1) Before a bail enforcement agent, bail bond agent, or qualified
12 agent can apprehend a defendant in a planned forced entry, he or she
13 must notify the law enforcement agencies in the local jurisdiction in
14 which the apprehension will take place. Notification must include, but
15 is not limited to, the name of the defendant, the address of the
16 building or dwelling where the planned forced entry will occur, the
17 name of the bail enforcement agent, bail bond agent, or qualified
18 agent, and the offense the defendant allegedly committed.

19 (2) During a planned forced entry, a bail enforcement agent, bail
20 bond agent, or qualified agent shall wear a garment, such as a vest,
21 bib, or shirt, with the words "BAIL ENFORCEMENT AGENT" printed across
22 the garment. The lettering must be in large block print so that the
23 wearer is readily and easily identified as a bail enforcement agent
24 from both the front and the back of the wearer.

25 **Sec. 7.** RCW 18.185.040 and 1993 c 260 s 5 are each amended to read
26 as follows:

27 (1) Applications for licenses required under this chapter shall be
28 filed with the director on a form provided by the director. The
29 director (~~may~~) shall require any information and documentation that
30 reasonably relates to the need to determine whether the applicant meets
31 the criteria, which may include fingerprints.

32 (2) Applications to obtain a bail enforcement agent's certificate
33 shall be filed with the director on a form provided by the director.
34 The director shall require information and documentation that
35 reasonably relates to determining whether the applicant satisfies the
36 prerequisites to obtain a bail enforcement agent certificate.

1 (3) After receipt of an application for a license or application
2 for a bail enforcement agent's certificate, the director (~~may~~) shall
3 conduct an investigation to determine whether the facts set forth in
4 the application are true.

5 **Sec. 8.** RCW 18.185.050 and 1993 c 260 s 6 are each amended to read
6 as follows:

7 (1) The director shall issue a bail bond agent license card to each
8 licensed bail bond agent. A bail bond agent shall carry the license
9 card whenever he or she is performing the duties of a bail bond agent
10 and shall exhibit the card upon request.

11 (2) The director shall issue a license certificate to each licensed
12 bail bond agency.

13 (a) Within seventy-two hours after receipt of the license
14 certificate, the licensee shall post and display the certificate in a
15 conspicuous place in the principal office of the licensee within the
16 state.

17 (b) It is unlawful for any person holding a license certificate to
18 knowingly and willfully post the license certificate upon premises
19 other than those described in the license certificate or to materially
20 alter a license certificate.

21 (c) Every advertisement by a licensee that solicits or advertises
22 business shall contain the name of the licensee, the address of record,
23 and the license number as they appear in the records of the director.

24 (d) The licensee shall notify the director within thirty days of
25 any change in the licensee's officers or directors or any material
26 change in the information furnished or required to be furnished to the
27 director.

28 (3)(a) The director shall issue a bail enforcement agent
29 certificate to each person who satisfies the requirements of section 3
30 of this act. The certificate is valid for two years from the date it
31 is issued unless suspended or revoked prior to that date. Certified
32 bail enforcement agents may obtain, at their own expense, badges of a
33 uniform design that has been approved by the director after consulting
34 with the law enforcement and bail bond industry.

35 (b) All bail enforcement agents are required to take an updated
36 written examination every two years as part of recertification. Upon
37 application for recertification, the director may conduct an
38 investigation and background check to determine if the applicant

1 continues to meet the qualifications to perform the duties of a bail
2 enforcement agent. In addition, all bail enforcement agents are
3 required to renew their firearms certificates annually.

4 **Sec. 9.** RCW 18.185.057 and 1997 c 58 s 840 are each amended to
5 read as follows:

6 The director shall immediately suspend any license or certificate
7 issued under this chapter if the holder has been certified pursuant to
8 RCW 74.20A.320 by the department of social and health services as a
9 person who is not in compliance with a support order or a residential
10 or visitation order. If the person has continued to meet all other
11 requirements for reinstatement during the suspension, reissuance of the
12 license or certificate shall be automatic upon the director's receipt
13 of a release issued by the department of social and health services
14 stating that the person is in compliance with the order.

15 **Sec. 10.** RCW 18.185.110 and 1993 c 260 s 12 are each amended to
16 read as follows:

17 The following acts are prohibited and constitute grounds for
18 disciplinary action or denial, suspension, or revocation of any license
19 or certificate under this chapter, as deemed appropriate by the
20 director:

21 (1) Knowingly violating any of the provisions of this chapter or
22 the rules adopted under this chapter;

23 (2) Knowingly making a material misstatement or omission in the
24 application for or renewal of a license or certificate;

25 (3) Failing to meet the qualifications set forth in RCW 18.185.020
26 and 18.185.030;

27 (4) Failing to meet the requirements established in section 3 of
28 this act;

29 (5) Conviction of a gross misdemeanor or felony or the commission
30 of any act involving moral turpitude, dishonesty, or corruption whether
31 the act constitutes a crime or not. If the act constitutes a crime,
32 conviction in a criminal proceeding is not a condition precedent to
33 disciplinary action. Upon such a conviction, however, the judgment and
34 sentence is conclusive evidence at the ensuing disciplinary hearing of
35 the guilt of the license holder, certificate holder, or applicant of
36 the crime described in the indictment or information, and of the
37 person's violation of the statute on which it is based. For the

1 purposes of this section, conviction includes all instances in which a
2 plea of guilty or nolo contendere is the basis for the conviction and
3 all proceedings in which the sentence has been deferred or suspended.
4 Nothing in this section abrogates rights guaranteed under chapter 9.96A
5 RCW;

6 ~~((+5))~~ (6) Advertising that is false, fraudulent, or misleading;

7 ~~((+6))~~ (7) Incompetence or negligence that results in injury to a
8 person or that creates an unreasonable risk that a person may be
9 harmed;

10 ~~((+7))~~ (8) Suspension, revocation, or restriction of the
11 individual's license or certificate to practice the profession by
12 competent authority in any state, federal, or foreign jurisdiction, a
13 certified copy of the order, stipulation, or agreement being conclusive
14 evidence of the revocation, suspension, or restriction;

15 ~~((+8))~~ (9) Failure to cooperate with the director by not:

16 (a) Furnishing any necessary papers or documents requested by the
17 director for purposes of conducting an investigation for disciplinary
18 action, denial, suspension, or revocation of a license or certificate
19 under this chapter;

20 (b) Furnishing in writing a full and complete explanation covering
21 the matter contained in a complaint filed with the department; or

22 (c) Responding to subpoenas issued by the director, whether or not
23 the recipient of the subpoena is the accused in the proceeding;

24 ~~((+9))~~ (10) Failure to comply with an order issued by the director
25 or an assurance of discontinuance entered into with the director;

26 ~~((+10))~~ (11) Aiding or abetting an unlicensed or uncertified
27 person to practice if a license or certificate is required;

28 ~~((+11))~~ (12) Knowingly committing, or being a party to, any
29 material fraud, misrepresentation, concealment, conspiracy, collusion,
30 trick, scheme, or device whereby any other person lawfully relies upon
31 the word, representation, or conduct of the licensee or certificate
32 holder;

33 ~~((+12))~~ (13) Failure to adequately supervise employees to the
34 extent that the client funds are at risk;

35 ~~((+13))~~ (14) Interference with an investigation or disciplinary
36 proceeding by willful misrepresentation of facts before the director or
37 the director's authorized representative, or by the use of threats or
38 harassment against any client or witness to prevent them from providing
39 evidence in a disciplinary proceeding or any other legal action;

1 (~~(14)~~) (15) Assigning or transferring any license or certificate
2 issued pursuant to the provisions of this chapter, except as provided
3 in RCW 18.185.030;

4 (~~(15)~~) (16) Conversion of any money or contract, deed, note,
5 mortgage, or other evidence of title, to his or her own use or to the
6 use of his or her principal or of any other person, when delivered to
7 him or her in trust or on condition, in violation of the trust or
8 before the happening of the condition; and failure to return any money
9 or contract, deed, note, mortgage, or other evidence of title within
10 thirty days after the owner is entitled to possession, and makes demand
11 for possession, shall be prima facie evidence of conversion;

12 (~~(16)~~) (17) Failing to keep records, maintain a trust account, or
13 return collateral or security, as required by RCW 18.185.100;

14 (~~(17)~~) (18) Any conduct in a bail bond transaction which
15 demonstrates bad faith, dishonesty, or untrustworthiness; (~~or~~

16 ~~(18)~~) (19) Violation of an order to cease and desist that is
17 issued by the director under this chapter;

18 (20) Employing, hiring, or receiving any assistance from a person
19 performing the functions and duties of a bail enforcement agent who
20 does not have a current certificate issued by the department or who
21 does not have a current firearms certificate issued by the commission;

22 (21) Failure to notify local law enforcement agencies before
23 apprehending a defendant in a planned forced entry;

24 (22) Failure to wear identifying garments during a planned forced
25 entry; or

26 (23) Using a defendant's photograph received from a law enforcement
27 agency for any purposes other than identification of the defendant or
28 disseminating the photograph to third parties not involved in the
29 actual apprehension and surrender of the defendant.

30 **Sec. 11.** RCW 18.185.120 and 1993 c 260 s 13 are each amended to
31 read as follows:

32 The director has the following authority in administering this
33 chapter:

34 (1) To adopt, amend, and rescind rules as deemed necessary to carry
35 out this chapter;

36 (2) To issue an order providing for one or any combination of the
37 following upon violation or violations of this chapter: Denying,
38 suspending, or revoking a license or certificate; assessing monetary

1 penalties; restricting or limiting practice; complying with conditions
2 of probation for a designated period of time; making restitution to the
3 person harmed by the licensee or certificate holder; or other
4 corrective action;

5 (3) To issue subpoenas and administer oaths in connection with an
6 investigation, hearing, or proceeding held under this chapter;

7 (4) To take or cause depositions to be taken and use other
8 discovery procedures as needed in an investigation, hearing, or
9 proceeding held under this chapter;

10 (5) To compel attendance of witnesses at hearings;

11 (6) To establish fees by rule under RCW 43.24.086 and chapter 34.05
12 RCW;

13 (7) To take emergency action ordering summary suspension of a
14 license or certificate, or restriction or limitation of the licensee's
15 or certificate holder's practice pending proceedings by the director;

16 (8) To use the office of administrative hearings as authorized in
17 chapter 34.12 RCW to conduct hearings. However, the director or the
18 director's designee shall make the final decision in the hearing;

19 (9) To enter into contracts for professional services determined to
20 be necessary for adequate enforcement of this chapter;

21 (10) To adopt standards of professional conduct or practice;

22 (11) In the event of a finding of unprofessional conduct by an
23 applicant ((~~or~~)), license holder, or certificate holder, to impose
24 sanctions against an applicant ((~~or~~)), license holder, or certificate
25 holder as provided by this chapter;

26 (12) To enter into an assurance of discontinuance in lieu of
27 issuing a statement of charges or conducting a hearing. The assurance
28 shall consist of a statement of the law in question and an agreement to
29 not violate the stated provision. The applicant ((~~or~~)), license
30 holder, or certificate holder shall not be required to admit to any
31 violation of the law, and the assurance shall not be construed as such
32 an admission. Violation of an assurance under this subsection is
33 grounds for disciplinary action;

34 (13) To designate individuals authorized to sign subpoenas and
35 statements of charges; and

36 (14) To employ such investigative, administrative, and clerical
37 staff as necessary for the enforcement of this chapter.

1 **Sec. 12.** RCW 18.185.130 and 1993 c 260 s 14 are each amended to
2 read as follows:

3 Any person may submit a written complaint to the department
4 charging a license holder, certificate holder, or applicant with
5 unprofessional conduct and specifying the grounds for the charge. If
6 the director determines that the complaint merits investigation, or if
7 the director has reason to believe, without a formal complaint, that a
8 license holder, certificate holder, or applicant may have engaged in
9 unprofessional conduct, the director shall investigate to determine if
10 there has been unprofessional conduct. A person who files a complaint
11 under this section in good faith is immune from suit in any civil
12 action related to the filing or contents of the complaint.

13 **Sec. 13.** RCW 18.185.140 and 1993 c 260 s 15 are each amended to
14 read as follows:

15 (1) If the director determines, upon investigation, that there is
16 reason to believe a violation of this chapter has occurred, a statement
17 of charges shall be prepared and served upon the license holder,
18 certificate holder, or applicant and notice of this action given to the
19 owner or qualified agent of the employing or endorsing bail bond
20 agency. The statement of charges shall be accompanied by a notice that
21 the license holder, certificate holder, or applicant may request a
22 hearing to contest the charges. The license holder, certificate
23 holder, or applicant must file a request for hearing with the
24 department within twenty days after being served the statement of
25 charges. The failure to request a hearing constitutes a default,
26 whereupon the director may enter an order under RCW 34.05.440.

27 (2) If a hearing is requested, the time of the hearing shall be
28 scheduled but the hearing shall not be held earlier than thirty days
29 after service of the charges upon the license holder, certificate
30 holder, or applicant. A notice of hearing shall be issued at least
31 twenty days prior to the hearing, specifying the time, date, and place
32 of the hearing.

33 **Sec. 14.** RCW 18.185.170 and 1993 c 260 s 18 are each amended to
34 read as follows:

35 (1) The director shall investigate complaints concerning practice
36 by unlicensed or uncertified persons of a profession or business for
37 which a license or certificate is required by this chapter. In the

1 investigation of the complaints, the director has the same authority as
2 provided the director under RCW 18.185.140. The director shall issue
3 a cease and desist order to a person after notice and hearing and upon
4 a determination that the person has violated this subsection. If the
5 director makes a written finding of fact that the public interest will
6 be irreparably harmed by delay in issuing an order, the director may
7 issue a temporary cease and desist order. The cease and desist order
8 shall not relieve the person practicing or operating a business without
9 a license or certificate from criminal prosecution therefor, but the
10 remedy of a cease and desist order shall be in addition to any criminal
11 liability. The cease and desist order is conclusive proof of
12 unlicensed or uncertified practice and may be enforced under RCW
13 7.21.060. This method of enforcement of the cease and desist order may
14 be used in addition to, or as an alternative to, any provisions for
15 enforcement of agency orders.

16 (2) The attorney general, a county prosecuting attorney, the
17 director, or any person may, in accordance with the law of this state
18 governing injunctions, maintain an action in the name of this state to
19 enjoin any person practicing a profession or business for which a
20 license or certificate is required by this chapter without a license or
21 certificate from engaging in such practice or operating such business
22 until the required license or certificate is secured. However, the
23 injunction shall not relieve the person practicing or operating a
24 business without a license or certificate from criminal prosecution
25 therefor, but the remedy by injunction shall be in addition to any
26 criminal liability.

27 (3) After June 30, 1994, any person who performs the functions and
28 duties of a bail bond agent in this state without being licensed in
29 accordance with the provisions of this chapter, or any person
30 presenting or attempting to use as his or her own the license of
31 another, or any person who gives false or forged evidence of any kind
32 to the director in obtaining a license, or any person who falsely
33 impersonates any other licensee, or any person who attempts to use an
34 expired or revoked license, or any person who violates any of the
35 provisions of this chapter is guilty of a gross misdemeanor.

36 (4) After January 1, 1994, a person is guilty of a gross
37 misdemeanor if he or she owns or operates a bail bond agency in this
38 state without first obtaining a bail bond agency license.

1 (5) After June 30, 1994, the owner or qualified agent of a bail
2 bond agency is guilty of a gross misdemeanor if he or she employs any
3 person to perform the duties of a bail bond agent without the employee
4 having in his or her possession a permanent bail bond agent license
5 issued by the department.

6 (6) After July 1, 1999, any person who performs the functions and
7 duties of a bail enforcement agent in this state without being
8 certified in accordance with the provisions of this chapter, or any
9 person presenting or attempting to use as his or her own the
10 certificate of another, or any person who falsely claims to be a bail
11 enforcement agent or creates an impression that he or she is a bail
12 enforcement agent, or any person who gives false or forged evidence of
13 any kind to the director in obtaining a certificate, or any person who
14 violates any of the provisions of this chapter is guilty of a gross
15 misdemeanor.

16 (7) All fees, fines, forfeitures, and penalties collected or
17 assessed by a court because of a violation of this section shall be
18 remitted to the department.

19 NEW SECTION. Sec. 15. A new section is added to chapter 18.185
20 RCW to read as follows:

21 (1)(a) A bail enforcement agent from another state who is not
22 certified in Washington may operate temporarily in this state for up to
23 thirty days per year if the bail enforcement agent obtains a temporary
24 bail enforcement agent certificate from the director or the bail
25 enforcement agent from another state works under direct supervision of
26 a Washington state-certified bail enforcement agent for the period in
27 which the bail enforcement agent will operate in this state. If the
28 bail enforcement agent from another state is working under the direct
29 supervision of a Washington state-certified bail enforcement agent, the
30 Washington state-certified bail enforcement agent must be physically
31 present during the actual apprehension of the defendant.

32 (b) The director may issue a temporary bail enforcement agent
33 certificate to a person from another state who the director finds is
34 sufficiently qualified to act as a bail enforcement agent in this
35 state. The director may consider whether the person is certified or
36 licensed as a bail enforcement agent in another state.

1 (2) A bail enforcement agent from another state operating in this
2 state under subsection (1) of this section may apply to the department
3 for a limited extension of the thirty-day-per-year time period.

4 (3) Except as provided in subsection (5) of this section, bail
5 enforcement agents from other states may not carry firearms while in
6 the performance of their duties in Washington.

7 (4) A person from another state who is not certified in Washington
8 and is operating temporarily in Washington may not solicit business in
9 this state or represent himself or herself as being certified in this
10 state.

11 (5) The director may establish an agreement with another state
12 whereby the other state's licensed or certified bail enforcement agents
13 may be certified in Washington if the director determines that the
14 other state has acceptable standards for bail enforcement agents to
15 reasonably meet the standards in Washington and the other state
16 authorizes Washington's certified bail enforcement agents to operate in
17 that state. The agreement may authorize the other state's bail
18 enforcement agents to carry firearms while performing their duties in
19 Washington if the director determines that the other state has
20 acceptable standards for bail enforcement agents to reasonably meet the
21 firearms training standards in Washington and the other state
22 authorizes Washington's certified bail enforcement agents to carry
23 firearms while operating in that state.

24 (6) Any person who performs the functions and duties of a bail
25 enforcement agent in this state in violation of this section is guilty
26 of a gross misdemeanor.

27 NEW SECTION. **Sec. 16.** A new section is added to chapter 18.185
28 RCW to read as follows:

29 (1)(a) Upon request of the bail bond agency, bail bond agent, or
30 qualified agent, the law enforcement agency that arrested the defendant
31 for the crime under which the defendant obtained bail shall provide to
32 the bail bond agency, bail bond agent, or qualified agent a photograph
33 of the defendant, if one was taken when the defendant was arrested.
34 Before the law enforcement agency releases any photograph, it may
35 require the bail bond agency, bail bond agent, or qualified agent to
36 present copies of the bond agreement, warrant, indemnitor withdrawal,
37 or other documentation authorizing the apprehension and surrender of
38 the defendant.

1 (b) A bail bond agency, bail bond agent, or qualified agent may use
2 the photograph only for the purposes of correctly identifying the
3 defendant who will be apprehended and surrendered. The bail bond
4 agency, bail bond agent, or qualified agent may not disseminate the
5 photograph to any person other than the bail enforcement agent assigned
6 to apprehend and surrender the defendant.

7 (2) During the actual apprehension of a defendant, a bail
8 enforcement agent shall have with him or her copies of the bond
9 agreement, warrant, indemnitor withdrawal, or other documentation
10 authorizing the apprehension of the defendant and must exhibit such
11 documentation upon request.

12 (3) When performing the duties of a bail enforcement agent, the
13 person must carry on his or her person the bail enforcement agent's
14 certificate indicating the person is currently certified by the
15 department to act as a bail enforcement agent in this state and must
16 exhibit such proof upon request.

17 NEW SECTION. **Sec. 17.** A new section is added to chapter 43.101
18 RCW to read as follows:

19 The commission shall establish a program for issuing firearms
20 certificates to bail enforcement agents for the purposes of obtaining
21 bail enforcement agent certificates. The commission shall adopt rules
22 establishing the fees, training requirements, and procedures for
23 obtaining and annually renewing firearms certificates. The fees
24 charged by the commission shall recover the costs incurred by the
25 commission in administering the firearms certificate program.

26 (1) Firearms training must be provided by an organization or
27 trainer approved by the commission and must consist of at least eight
28 hours of classes and proficiency training.

29 (2) Applications for firearms certificates shall be filed with the
30 commission on a form provided by the commission. The commission may
31 require any information and documentation that reasonably relates to
32 the need to determine whether the applicant qualifies for a firearms
33 certificate.

34 (3) The commission shall consult with the private bail enforcement
35 agent and bail bond industry and law enforcement before adopting or
36 amending the training requirements of this section.

1 (4) The commission may adopt rules that are reasonable and
2 necessary for the effective implementation and administration of this
3 section consistent with chapter 34.05 RCW.

4 **Sec. 18.** RCW 70.48.100 and 1990 c 3 s 130 are each amended to read
5 as follows:

6 (1) A department of corrections or chief law enforcement officer
7 responsible for the operation of a jail shall maintain a jail register,
8 open to the public, into which shall be entered in a timely basis:

9 (a) The name of each person confined in the jail with the hour,
10 date and cause of the confinement; and

11 (b) The hour, date and manner of each person's discharge.

12 (2) Except as provided in subsection (3) of this section the
13 records of a person confined in jail shall be held in confidence and
14 shall be made available only to criminal justice agencies as defined in
15 RCW 43.43.705; or

16 (a) For use in inspections made pursuant to RCW 70.48.070;

17 (b) In jail certification proceedings;

18 (c) For use in court proceedings upon the written order of the
19 court in which the proceedings are conducted; or

20 (d) Upon the written permission of the person.

21 (3)(a) Law enforcement may use booking photographs of a person
22 arrested or confined in a local or state penal institution to assist
23 them in conducting investigations of crimes. Law enforcement may
24 release a booking photograph of a person to the bail bond agency, bail
25 bond agent, or qualified agent, as defined in RCW 18.185.010, that
26 issued the bail bond to release the defendant.

27 (b) Photographs and information concerning a person convicted of a
28 sex offense as defined in RCW 9.94A.030 may be disseminated as provided
29 in RCW 4.24.550, 9A.44.130, 9A.44.140, 10.01.200, 43.43.540, 43.43.745,
30 46.20.187, 70.48.470, 72.09.330, and section 401, chapter 3, Laws of
31 1990.

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