
Commerce & Labor Committee

HB 2759

Brief Description: Modifying provisions relating to bail bond and bail bond recovery agents.

Sponsors: Representatives Conway and Wood; by request of Department of Licensing.

Brief Summary of Bill

- Requires bail bond recovery agents who make a forced entry, whether planned or unplanned, to notify the Department of Licensing.
- Requires recovery agents to use due care to protect persons and property of persons other than the defendant, and prohibits the use of dogs.
- Requires a recovery agent to have reasonable cause to believe a defendant is inside a structure for a planned forced entry.
- Increases recovery agent training from four to 32 hours.
- Provides immunity for law enforcement officers who are in attendance at or assist with a planned forced entry.
- Makes other changes in the bail bond agent and recovery agent provisions.

Hearing Date: 1/24/08

Staff: Joan Elgee (786-7106).

Background:

Bail bond agencies, bail bond agents, and bail bond recovery agents must be licensed by the Department of Licensing (Department). A bail bond agency is a business that sells and issues bonds, or provides security in the form of property, to ensure the appearance of a criminal defendant. A bail bond agent is an employee of a bail bond agency and a bail bond recovery

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agent works under contract with a bail bond agent to apprehend fugitive criminal defendants. A bail bond agent may receive a recovery agent endorsement.

Bail bond agents and agencies

A bail bond agent must meet training and testing requirements established by the Director of the Department (Director), which include a minimum of four hours of classes, and must not have a related criminal conviction. To be licensed as a bail bond agency, a person must meet the bail bond agent requirements and must also pass an exam or demonstrate at least three years experience as a manager, supervisor, or administrator in the bail bond business or a related field.

Bail bond recovery agents

To be licensed, a bail bond recovery agent must:

- pass an exam;
- have no related criminal convictions;
- have a current firearms certificate issued by the Criminal Justice Training Commission (CJTC) and a concealed pistol license, if the recovery agent carries a firearm; and
- meet training requirements established by the Director, which must include a minimum of four hours of classes.

The Director must set the exam standards, which are limited to minimum levels of education or experience appropriate for performing the recovery agent duties, knowledge in relevant areas of criminal and civil law, knowledge regarding the appropriate use of force, and adequate training in the use of firearms.

Before a recovery agent may apprehend a person in a planned forced entry, the agent must notify law enforcement. During a planned forced entry, an agent must have "BAIL BOND RECOVERY AGENT" displayed on his or her clothing and may display a badge approved by the Department stating "BAIL BOND RECOVERY AGENT."

A recovery agent must notify local law enforcement within 10 days of discharging a firearm while on duty.

Other

The Director may appoint an advisory committee made up of representatives of the industry and a consumer to assist in developing rules to implement the law. The Director must consult with the industry and seek advice from specified entities before adopting certain requirements.

The licensing law does not address the liability of a law enforcement officer who assists with or is present during a planned forced entry.

Summary of Bill:

A number of changes are made to bail bond licensing provisions.

Bail bond agents and agencies

The experience a person must have to obtain a bail bond agency license must be in Washington. (If the experience is not in Washington, the person must take the exam.)

Bail bond recovery agents

The training requirements for recovery agents are increased. The number of hours of classes is increased to 32 hours and the classes must specifically be in field operations. The standards for the exam are no longer limited to the standards stated in statute.

All recovery agents must have a current firearms certificate and a current concealed pistol license. A permit equivalent to a concealed pistol license satisfies the requirement. The training in the use of firearms may be from another entity approved by the Director, in addition to the CJTC. The Director may establish recertification requirements.

A person who has had his or her certification as a peace officer revoked or denied is not eligible for a recovery agent license unless the certification was reinstated.

Several additional requirements are placed on forced entries:

- A bail bond agent or recovery agent must notify the Director within 10 days following a forced entry, whether planned or unplanned. The notification must include information the Director establishes by rule.
- In a planned forced entry, a recovery agent must have reasonable cause to believe that the defendant is inside the dwelling, building, or other structure where the planned forced entry is expected to occur.
- Unprofessional conduct includes failure to exercise due care to protect the safety of persons and the property of persons other than the defendant, and using a dog in the apprehension of a defendant.

Other

The role of the advisory committee is expanded to include assisting with rules to administer the chapter. The advice and consult provisions are modified. The Director or the Director's designee must obtain the advice of law enforcement, the CJTC, prosecutors, or others as appropriate, and may consult the industry and associations regarding training, testing, continuing education, and recertification requirements.

Immunity is provided for law enforcement officers who assist in or are in attendance during a planned forced entry.

Rules Authority: The bill does not directly address rule-making; however the Director will need to amend rules to implement the provisions.

Appropriation: None.

Fiscal Note: Requested on January 16, 2008.

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