

SECOND REGULAR SESSION

SENATE BILL NO. 704

89TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BANKS.

Read 1st time January 12, 1998, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

S2963.011

AN ACT

To repeal section 374.700, RSMo 1994, relating to apprehension of fugitives, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 374.700, RSMo 1994, is repealed and four new sections enacted in lieu thereof, to be known as sections 374.700, 374.777, 374.779 and 374.781, to read as follows:

374.700. As used in sections 374.700 to 374.775, the following terms shall mean:

(1) "Bail bond agent", a surety agent or an agent of a property bail bondsman who is duly licensed under the provisions of sections 374.700 to 374.775, is employed by and is working under the authority of a licensed general bail bond agent;

(2) **"Bail fugitive", a defendant in a pending criminal case in this state who, prior to trial, has been released from custody under a financially secured appearance bond and who, by virtue of nonappearance, has had such bond declared forfeit, has had a resulting arrest warrant issued and who is still at large;**

(3) **"Bail fugitive recovery agent", a bondsman who has been duly certified by the director to apprehend and return to custody bail fugitives;**

[(2)] (4) "Department", the [division] **department** of insurance of the state of Missouri;

[(3)] (5) "Director", the director of the [division] **department** of insurance;

[(4)] (6) "General bail bond agent", a surety agent or a property bail bondsman, as defined in sections 374.700 to 374.775, who is licensed in accordance with sections 374.700 to 374.775 and who devotes at least fifty percent of his working time to the bail bond business in this state;

(7) **"Person", an individual, partnership, corporation or any other legally**

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

recognized business association;

[(5)] **(8)** "Property bail bondsman", a person who pledges United States currency, United States postal money orders or cashier's checks or other property as security for a bail bond in connection with a judicial proceeding, and who receives or is promised therefor money or other things of value;

[(6)] **(9)** "Surety bail bond agent", any person appointed by an insurer by power of attorney to execute or countersign bail bonds in connection with judicial proceedings, and who receives or is promised money or other things of value therefor.

374.777. Except as otherwise provided in section 374.779, no person may apprehend and return to custody a bail fugitive unless such person is a law enforcement officer or is a licensed private investigator in this state.

374.779. 1. A bail bond agent shall be certified as a bail fugitive recovery agent by applying to the director for a license and satisfactorily completing a basic course of training approved by the director.

2. The basic course of training must consist of at least eight hours of training, be taught by law enforcement personnel and include instruction in:

- (1) The following areas of the law:**
 - (a) Constitutional law;**
 - (b) Procedures for arresting defendants and surrendering defendants into custody;**
 - (c) Civil liability;**
 - (d) The civil rights of persons who are detained in custody;**
 - (e) The use of force;**
- (2) Procedures for field operations, including, without limitation:**
 - (a) Safety and survival techniques;**
 - (b) Searching buildings;**
 - (c) Handling persons who are mentally ill or under the influence of alcohol or a controlled substance; and**
 - (d) The care and custody of prisoners;**
- (3) The skills required regarding:**
 - (a) Writing reports, completing forms and procedures for exoneration;**
 - (b) Methods of arrest;**
 - (c) Nonlethal weapons;**
 - (d) The retention of weapons;**
 - (e) Qualifications for the use of firearms;**
 - (f) Defensive tactics; and**
 - (g) Principles of investigation, including, without limitation, the basic principles of locating defendants who have not complied with the terms and conditions**

established by a court for their release from custody or the terms and conditions of a contract entered into with a surety;

(4) The following subjects:

- (a) Demeanor in a courtroom;**
- (b) First aid used in emergencies; and**
- (c) Cardiopulmonary resuscitation.**

3. An applicant for certification as a bail fugitive recovery agent must complete the requisite training within one year after date of his application or when the basic course is available to be taken, whichever is sooner. The schedule of training shall be sixteen hours each weekend for five consecutive weeks.

4. The director shall charge such examination and licensing fees as are necessary to cover costs of education and licensing, including annual renewal fees.

5. A bail bond agent shall be authorized to act as a bail fugitive recovery agent without certification subject to the conditions of subsection 3 of this section.

6. A bail bond agent may contract for bail fugitive recovery apprehension only with a licensed private investigator or a licensed bail fugitive recovery agent. Any recovery work done shall be solely and exclusively for the bail bond agent.

7. No person may become a bail bond agent in this state who has not first become certified as a bail fugitive recovery agent. However, persons who are already qualified as bail bond agents on the effective date of this act shall not thereafter be required to obtain certification as a bail fugitive recovery agent.

374.781. Operating as a bail fugitive recovery agent without proper certification in this state shall be a class D felony.

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