

# OMCCA Bail Bonds Oklahoma Insurance Department

May 17, 2016

# Bail Bondsman License Requirements

- At least Twenty-One (21) years of age
- US Citizen
- High School diploma or equivalent
- Good character and reputation
- No felony or certain misdemeanor convictions

# Bail Bondsman Education Requirements

- Pre-Licensing Education – 16 hours
- Continuing Education – 8 hours annually
- The Oklahoma Bondsman Association provides the PLE and CE

## Lines of Authority (LoA)

- 578 licensed bail bondsmen
- Cash (83)
- Professional (60)
- Property Bail (2)
- Surety Bail (549)
- Multi-County Agent (25)

As of 04-05-2016

## Reporting Requirements

- Bail bondsmen are required to electronically submit a report each month
- Reports include appearance bonds written and discharged for reporting month
- Bail bondsmen pay a reviewal fee to Department which is \$2.00 per every \$1,000 in appearance bonds written

## 2015

- Professional & MCA bail bondsmen appearance bonds written = \$365,209,998.92
- Insurance companies appearance bonds written = \$152,949,604.70
- Cash appearance bonds written = \$1,088,721.74
- Property appearance bonds written = \$120,000.00

## Bail Bond Division Staff -

- Communicate with bail bondsmen, court clerks, sheriffs, judges, and the public providing assistance and education concerning bail bonds
- Review approximately 630 reports each month for accuracy
- Review Court Clerk reports to ensure bail bondsmen report all appearance bonds



## Bail Bond Division Staff -

- Review and process approximately 65 new licenses each year and 369 license renewals in 2015 (biennially per birth month)
- Recommend statute and rule changes to Department's legislative staff
- Testify at administrative hearings
- Investigate complaints against bail bondsmen



## Types of Complaints

- BBF – Notice of Non Payment of Bond Forfeitures received from Court Clerks
- BBI – Complaints from Consumers, Court Clerks, Sheriffs, & bail bondsmen
- BBD – Bail Bond Division referrals to Legal Division

# Complaints & Disciplinary Actions

- Non Payment of Forfeiture notice (BBF). These notices are reviewed and then referred to the Department's Legal Division for administrative action against the insurer and bail bondsman. Court clerk receives an email acknowledging receipt of the notice
- Complaints from consumers, court officials, and other sources (BBI). Once investigated, if warranted, are referred to Department's Legal Division for administrative action against the bail bondsman and if applicable the insurer

# Complaints & Disciplinary Actions

## Complaints originated in the Bail Bond Division (BBD)

- Appearance bond review
- Failure to file report
- Failure to report appearance bonds
- Failure to respond
- Insufficient funds
- Executing appearance bonds while license expired
- Agreeing to remain on appearance bond after appointment with insurer canceled
- Agreeing to remain on appearance bond after license expired
- Executing Cash appearance bond without Cash line of authority

These matters are referred to Department's Legal Division for administrative action against the bail bondsman

## Recording bondsman license pursuant to 59 O.S. Section 1320

Bondsman registers license where resides or offices, but not both

- Responsibility of Court Clerk to provide list of bondsmen to county judges and law enforcement officials
- Law enforcement provides list to inmates
- Surety bondsman without current appointment, not on list

Bondsman files license in other counties

- Bondsman must advise court clerk, file certified copy of license
- Ten Defendant limit – January 1 through December 31 per OAC 365:25-5-38
- Go by the date on the bond, not by the individual defendant
- Exception of counties without a registered bondsman, no limit

## Recording bondsman license pursuant to 59 O.S. Section 1320

Surety Bondsman files certified copy of appointment by power of attorney

Bondsman pays court clerk \$20 to register/file license. Payable biennially by license renewal date

Bondsman must be licensed by Department for registration/filing – Verify on Department website

Note – When bondsman changes resident county, changes address on Department website, obtains certified copies of documents from former resident county to take to new resident county. Court Clerk verifies address change on Department website

## Court Clerk Report

### Reporting bonding activities – Court Clerk Report on Bail Bonds

- Department uses Court Clerk Reports to perform comparison audits with the bondsman's monthly reports; this is how Department discovers unreported bonds or misreported bonds
- These matters may result in disciplinary action

## Power of Attorney

Accepting bail. Review power of attorney form. A completed PoA must be attached to the bond, 1316(D) (except if bondsman is the Professional or MCA)

- What is the date on the power of attorney? Expired?
- What is the dollar amount of the power of attorney?

Is the bondsman appointed with the insurer? Insurance Company, MCA, or Prof

Is the Affidavit as to Undertaking completed? OAC 365:25-5-39



# Power of Attorney – Insurance Company

THE FACE OF THIS DOCUMENT HAS A COLORED SECURITY BACKGROUND AND MICRO PRINTING - THE REVERSE SIDE OF THIS DOCUMENT HAS A WATERMARK  
THIS DOCUMENT IS VOID IF THE PINK HEAT SENSITIVE INK BOX IN THE LOWER RIGHT HAND CORNER DOES NOT DISAPPEAR WHEN RUBBED WITH WARM HANDS

POWER AMOUNT  
\$15,000

VOID IF NOT EXECUTED BY:  
AUG 08 2016

POWER OF ATTORNEY  
**Indiana Lumbermens  
Mutual Insurance Company**  
P.O. Box 68932, Indianapolis, IN 46268

US15 758017

KNOW ALL MEN BY THESE PRESENTS: that INDIANA LUMBERMENS MUTUAL INSURANCE COMPANY, a corporation duly authorized and existing under the laws of the State of Indiana, does constitute and appoint the below named agent its true and lawful Attorney-in-Fact for it and in its name, place and stead, to execute, and deliver for and on its behalf, as surety, a bail bond only.

Authority of such Attorney-in-Fact is limited to appearance bonds. No authority is provided herein for the execution of surety immigration bonds or to guarantee alimony payments, fines, wage law claims or other payments of any kind on behalf of below named defendant. The named agent is appointed only to execute the bond consistent with the terms of this power of attorney. The agent is not authorized to act as agent for receipt of service of process in any criminal or civil action.

This power is void if altered or erased or used in any combination with other powers of attorney of this company or any other company to obtain the release of the defendant named below or to satisfy any bond requirement in excess of the stated face amount of this power. This power can only be used once. No authority is provided to a copy or facsimile of this power of attorney without the prior written consent of Indiana Lumbermens Mutual Insurance Company. The obligation of the company shall not exceed the sum of

FIFTEEN THOUSAND (\$15,000.00) DOLLARS

and provided this Power-Of-Attorney is filed with the bond and retained as a part of the court records. The said Attorney-in-Fact is hereby authorized to insert in this Power-Of-Attorney the name of the person on whose behalf this bond was given.

IN WITNESS WHEREOF, INDIANA LUMBERMENS MUTUAL INSURANCE COMPANY has caused these presents to be signed by its duly authorized officer, proper for the purpose and its corporate seal to be hereunto affixed this 23rd day of February, 2016

Bond Amount \$ 7500 Appearance Date 3-23-16  
Defendant: Heather Hernandez  
Court Tulsa County Case # CF15-5307  
County Tulsa City Tulsa St. OK Zip 74103  
Offense Engaging in Prostitution with 10004 of School  
Executing Agent Ray RA MP



INDIANA LUMBERMENS MUTUAL  
INSURANCE COMPANY

*John F. Wolf*

John F. Wolf, President

ILM-9D

PROTECTING  
OKLAHOMA

JOHN D. DOAK  
INSURANCE COMMISSIONER

OKLAHOMA  
INSURANCE  
DEPARTMENT

# Power of Attorney - MCA

**NOT TO EXCEED \$100,000 POWER OF ATTORNEY VOID IF USED WITH OTHER POWERS OF THIS COMPANY**  
KNOW ALL MEN BY THESE PRESENT **81707** SPRINGER, OKLAHOMA

That I, Curt Pletcher, of Springer, Oklahoma, Carter County, State of Oklahoma, have made and constituted and appointed by these present do make, constitute and appoint the below named agent, my true and lawful attorney, for me and in my name, place and stead, and to my use, as my employee and agent to write Multi-County Agent bonds, to sign my name, by him, in the execution of any and all bonds made as my agent, giving my said attorney full power to do everything whatsoever requisite and necessary to be done in the premises as fully as I could do if personally present, hereby ratifying and confirming all that my said attorney shall lawfully do, or cause to be done, by virtue hereof. All this provided this Power-Of-Attorney is filed with the bond and retained as a part of the court records, the said Attorney-In-Fact is hereby authorized to insert in this Power-Of-Attorney the name of the person on whose behalf this bond was given.

IN WITNESS THEREOF: I, Curt Pletcher, Multi-County Agent Bondsman, affix my signature.

for the purpose this 1 day of Feb, 2016  
*Curt Pletcher*  
**Curt Pletcher**  
Multi-County Agent Bondsman

Case Number CF-16-7  
Bond Amount \$ 50,000 Appearance Date 3-22-16 1:00 PM  
Premium Charged \$ 4000  
Defendant Cathryn Bryan DOB \_\_\_\_\_  
Court O Seage City Patmuska State OK  
Offense C+1 trafficking in illegal drugs C+2 unlawful possession  
Executing Agent Delmer Phillips

Speckelmeyer-Ardmore-#64167



## Exonerating Bail Bond

- Bondsman no longer responsible for the defendant. Clerk's obligation mentioned in 1327, 1328 and 1332
- 1327(A) Surrender of defendant prior to breach. Bondsman files a written notification of the surrender and the Court Clerk enters a minute exonerating the bond
- 1327(C) Defendant arrested on new charges in same jurisdiction. Recommitment of a defendant by bondsman. Bondsman presents the Recommitment of Defendant by Bondsman form to official (jail) and files a copy with the Court Clerk
- 1328(3) – When a bondsman recommitments a defendant pursuant to this subsection, the court clerk enters a minute order exonerating the bond

## Title 11 Cities and Towns Forfeitures

### Section 27-118

- When a forfeiture occurs in a Municipal Court, the court shall follow procedures in Title 59 section 1332 OR the court files a certified copy of the O&J of F with the district court and the O&J of F is treated as a foreign judgment

### Section 28-127

- Municipal courts of record follow procedures in Title 59 section 1332

## Forfeiting Bail – Section 1332

A.

Ten (10) days for court to issue an arrest warrant after defendant fails to appear

Fifteen (15) days for court clerk to file the Order & Judgment of Forfeiture form

Thirty (30) days after the O&J of F is filed for the court clerk to mail a copy of the O&J of F to the bondsman and the insurer by certified mail with return receipt requested and keep a copy of the O&J of F on file. Make sure to mail to the correct address for both (Check Department website)

- HOWEVER, the clerk is not required to mail the O&J of F to the bondsman or the insurer if within 15 days from the date of forfeiture, defendant is returned to custody, bond is reinstated by the court with the bondsman's approval, or the O&J of F is vacated or set aside by the Court
- Failure to timely issue the arrest warrant or file the O&J of F exonerates the bond
- Failure to comply with the 30 day notice exonerates the bond



## Forfeiting Bail – Section 1332 continued

B. Use correct form. (AOC form)

C(1). Bondsman has 90 days from RECEIPT of O&J of F, or 90 days from mailing by the Court Clerk if no receipt, to return defendant to custody

C(2). Bondsman may contract with a bail enforcer to locate and return defendant. Bondsman may get assistance of another OK bondsman who is appointed with the same insurer

C(3). When the court record indicates the defendant is “returned to custody” within 90 days, court clerk enters minutes vacating forfeiture & exonerating bond. If this is not in the court record, court shall enter it

See OAC 365:25-5-44; bondsman to file notice with court clerk when defendant returned to custody

## Forfeiting bail – Section 1332 continued

- C(4). “Return to custody” means –
- a. the return of the defendant to the appropriate Oklahoma law enforcement agency by the bondsman
  - b. an appearance of the defendant in open court in the court where charged
  - c. arrest or incarceration within this state of the defendant by law enforcement personnel, provided the bondsman has requested that a hold be placed on the defendant in the jurisdiction wherein the forfeiture lies and has guaranteed reasonable travel expenses for the return of the defendant, or
  - d. arrest or incarceration of the defendant in any other jurisdiction, provided the bondsman has requested that a hold be placed on the defendant in the jurisdiction wherein the forfeiture lies and has guaranteed reasonable travel expenses for the return of the defendant



## Forfeiting bail – Section 1332 continued

C(5).

- a. Bond SHALL be exonerated by operation of law if bondsman requests in writing the defendant be entered into NCIC, and Sheriff refuses to honor request within fourteen business days, or
  
- b. The defendant is arrested outside of Oklahoma and the court record shows that the DA has declined to proceed with extradition

## Forfeiting bail – Section 1332 continued

- D(1). Within 90 days of receipt of O&J of F, or mailing if no receipt, if defendant is not returned to custody, or forfeiture has not been Stayed, bondsman or insurer must pay the forfeiture by the 91<sup>st</sup> day
- D(2). After O&J of F has been timely paid, the bondsman or insurer shall have one year from date payment is due to return defendant to custody. If defendant is returned, and all expenses have been paid, the bondsman or insurer's money shall be returned. The request for remitter has to be made by motion & filed within one year from the date payment is due
- D(3). If defendant not returned and forfeiture not paid, court clerk shall notify the Department by mailing certified copy of O&J of F and proof of mailing to the insurer and bondsman (Certified copies of docket sheet, appearance bond, power of attorney, and any Motions or Orders pertaining to the bond forfeiture)

## Forfeiting bail – Section 1332 continued

D(4). Once received the Department processes for possible administrative action against the bondsman and insurer

E(1). If defendant failed to appear because of death or defendant in custody of another court on day of court appearance, money paid for forfeiture is returned to bondsman, but bondsman must pay all expenses to return the defendant

E(2). If defendant is in custody of another court DA places a hold, and bondsman pays all expenses to return defendant

## Forfeiting bail – Section 1332 continued

- F. No bonus to the DA, but reasonable attorney fee allowed in a civil action
- G. Bondsman may appeal an O&J of F, and seek a Stay, but this happens within 30 days of forfeiture order (12 O.S. 990.4, 951 and 990.2)
- H. Municipal courts – criminal in nature, appeals through Court of Criminal Appeals
- I. Bondsman may file a motion requesting exoneration of bond after 3 years (if no Judgments) unless for good cause shown by prosecuting attorney

## Counting Days – Computation of Time in 59 O.S. 1332

### Oklahoma Administrative Code 365:25-5-40

(a) In computing any period of time in 59 O.S. §1332, 12 O.S. §2006(A) will be followed. 12 O.S. §2006(A) states, in pertinent part, as follows: *The day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a legal holiday as defined by Section 82.1 of Title 25 of the Oklahoma Statutes or any other day when the office of the court clerk does not remain open for public business until the regularly scheduled closing time, in which event the period runs until the end of the next day which is not a legal holiday or a day when the office of the court clerk does not remain open for public business until the regularly scheduled closing time. Unless otherwise provided by law, when the period of time prescribed or allowed is less than eleven (11) days, intermediate legal holidays and any other day when the office of the court clerk does not remain open for public business until the regularly scheduled closing time shall be excluded from the computation.*

## Counting Days – Computation of Time in 59 O.S. 1332

### Oklahoma Administrative Code 365:25-5-40 continued

- (b) The defendant shall be returned to custody within ninety days or the forfeiture shall be paid on the ninety-first day, and the time begins to run as follows:
- (1) If the bondsman dates the return receipt, or the date of receipt of the order and judgment of forfeiture is evidenced electronically, then the days start running the next day.
  - (2) If the bondsman does not date the return receipt or the date of receipt of the order and judgment of forfeiture is not evidenced electronically, but the insurer or professional does, or the date of receipt is evidenced electronically, then the days start running the next day.
  - (3) If neither the bondsman nor the insurer or professional dates the return receipt, nor is the date of receipt of the order of judgment of forfeiture evidenced electronically, then the days start running the day after the order and judgment of forfeiture was mailed.

Computation of time – do NOT include day of forfeiture, end day must be on a day the court is open





Insurance Commissioner  
**JOHN D. DOAK**

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## Why OKLAHOMA?

Exciting changes to Oklahoma's captive law

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- Licensing and Education
- Regulated Entities
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### Bail Bonds

#### General Information

- ▶ [Legislative Updates](#)
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[2015 Bail Bonds Statute Book](#)

[Statutes - Title 59](#)  
[Rules - Title 365](#)



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#### Licensee Online Tools

- ▶ [Applying & Renewing a License Online](#)
- ▶ [Applying Instructions](#)
- ▶ [Exam Information](#)
- ▶ [Renewing Instructions](#)
- ▶ [Contact Change Request](#)  
(Use CCR to change addresses, emails, telephone numbers)

#### Welcome to the Bail Bonds section of the Oklahoma Insurance Department website

Bail Bonds is responsible for all aspects of licensing, supervision and regulation of bail bondsmen in the State of Oklahoma. The division determines whether applicants meet the qualifications for a license as set forth in the Oklahoma Statutes.

Our goal is to have the most talented and knowledgeable bail bondsmen in the nation. We are working to make this page a valuable resource for you. We hope the information you find below is helpful. If you see areas that we can improve or other information you would like to see in this section, please [click here](#).

100%

PROTECTING  
OKLAHOMA

JOHN D. DOAK  
INSURANCE COMMISSIONER

OKLAHOMA  
INSURANCE  
DEPARTMENT



## Licensee Lookup and Bail Bondsmen Licensee Lookup [www.bailbonds.oid.ok.gov](http://www.bailbonds.oid.ok.gov)

In the red column on the right, scroll down to Licensee Lookup. Here you can find the business address, business telephone number, and current appointments aka affiliations

Enter First Name, Last Name, Resident – Yes, License Type – Bail Bondsman, Submit. The Licensee Look-up page appears. Scroll down to the results

To view active Insurance Company Appointments; click on the bail bondsman's name. To view active Affiliations (aka Professional or MCA Appointments); click on the License Type link (Bail Bondsman)

To view a bail bondsman's Mailing Address and Resident County, go back to the Bail Bonds page and click on Bail Bondsmen Licensee Lookup

## Forms

### Administrative Office of the Courts

- [www.oscn.net](http://www.oscn.net), home page
- Click on Forms (right side of home page)
- Click on Administrative Office of the Courts
- Click on Bail Bondsmen

Order & Judgment of Forfeiture

Re-Commitment of Defendant by Bondsman

## Forms

### State Auditor and Inspector

- [www.sai.ok.gov](http://www.sai.ok.gov)
- Click on Publications & Forms
- Click on Counties
- Click on Court Clerk

Appearance bond is form #408

# Oklahoma Insurance Department

Bail Bond Division

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