

BAIL BONDS



Legislative & Administrative Code Changes 2014



HB 2928 – OID Bail Bonds Omnibus

Annual Statement Date

Title 59, Section 1309 – Amendatory

- Professional bail bondsmen and multicounty agent bondsmen must provide an annual audited financial statement current as of a date not earlier than June 30.



HB 2928 – OID Bail Bonds Omnibus (cont.)

Receipts

Title 59, Section 1316 – Amendatory

- Any receipt provided by a bondsman must be individually numbered and include:
 - the precise amount of the fees, premium, collateral, or other payments received by the bondsman,
 - copies of any agreements executed relating to the appearance bond,
 - the full name of the defendant,
 - the defendant's case number if it is available, and
 - full name of the individual(s) presenting the payment.



HB 2928 – OID Bail Bonds Omnibus (cont.)

Affidavit Requirements

Title 59, Section 1317 – Amendatory

- Adds “no fees owed to OID” to list of requirements for a bondsman to get a new appointment.
- Also allows for the denial of an appointment *and/or* sanctions if an affidavit is falsified.

Jail List

Title 59, Section 1320 – Amendatory

- Requires law enforcement to provide list of properly licensed bondsmen to inmates upon request.
- Clarifies that “any surety bondsman without a current surety appointment shall be removed from the list.”



HB 2928 – OID Bail Bonds Omnibus (cont.)

Forfeiture Process

Title 59, Section 1332 – Amendatory

- Makes the procedure for returning defendants to custody the same for those arrested in-state and out-of-state. A bondsman must request a hold on the defendant and guarantee travel expenses before a defendant can be considered “returned to custody.”
- Requires court clerk to file arrest warrant within 10 days, and file order and judgment of forfeiture within 15 days, after defendant’s failure to appear.



HB 2407 – Multicounty Agent Bondsman

Multicounty agent bondsman – Definition

Title 59, Section 1301 – Amendatory

- "Multicounty agent bondsman" (MCA) means a professional bondsman who has been approved by the Commissioner and who otherwise complies with the provisions of Section 1306.

License fee

Title 59, Section 1305 – Amendatory

- \$1,000 license fee.



HB 2407 – Multicounty Agent Bondsman (cont.)

Licensing requirements

Title 59, Section 1306A – New Law

- Must have been a professional bondsman for at least 2 years before applying.
- Audited financial statement showing at least \$250,000 in net worth.
- Make a deposit of at least \$100,000 → reserve available to pay forfeitures.
- Can write bonds up to a 12:1 ratio.
- Same deposit holding /release, license transfer, and appointment laws as professional bondsmen.
- Not limited by the ten bond rule found in 59 O.S. § 1320(B).



HB 2407 – Multicounty Agent Bondsman (cont.)

License renewal

Title 59, Section 1309 – Amendatory

- \$1,000 license renewal fee.
- Same renewal requirements as professional bondsmen: biennial renewal, financial statement, 1-year reinstatement.

MCA inclusion in existing laws

Title 59, Section 1314 – Amendatory

- MCA bondsmen are subject to the same requirements as other bondsmen regarding the proper receipt and holding of collateral, monthly reporting, usual and customary records, and renewal fees.

SB 2003 – Bail Enforcement

Suspended or revoked bail bondsmen

Title 59, Section 1311.3 – Amendatory

- A bail bondsman whose license has been revoked or suspended may, within 90 days of the suspension or revocation, contract with a licensed bail enforcer to apprehend his or her clients.

Bondsman exemption

Title 59, Section 1750.14 – Amendatory

- A bail bondsman who has been licensed in Oklahoma for at least 5 years and who has a valid appointment with an insurer may apprehend any defendant on bond with the appointing insurer.

SB 2003 – Bail Enforcement (cont.)

Licensed bondsmen may aid other bondsmen

Title 59, Section 1311.4 – New Law

- A bail bondman who has been continuously licensed in Oklahoma for at least 5 years may seek assistance from, or provide assistance to, another bondsman licensed in this state or another state for purposes of apprehension and surrender of his or her defendant client.

PERMANENT RULES

EFFECTIVE SEPTEMBER 15, 2014



Legislative & Administrative Code Changes 2014

SUBCHAPTER 5. BAIL BONDSMEN

PART 5. GENERAL PROVISIONS PERTAINING TO BAIL BONDSMEN

365:25-5-31. Residence, business, mailing, and e-mail addresses on applications (Amendatory)

- Bail bondsman applications must include an applicant's:
 - Residence address,
 - Business address,
 - Mailing address, and
 - E-mail address
- An applicant's business address and mailing address must be in the same county.



SUBCHAPTER 5. BAIL BONDSMEN

PART 5. GENERAL PROVISIONS PERTAINING TO BAIL BONDSMEN (cont.)

365:25-5-33. Change of mailing address, legal name, e-mail address, or telephone requirements (Amendatory)

- A bondsman must notify the Commissioner within 5 days after changing his or her mailing address, legal name, e-mail address, or telephone number (See 59 O.S. § 1310).
- The notification may be in any form acceptable to the Commissioner, and must include the name and license number of the bondsman, the date, the bondsman's telephone number, and the bondsman's e-mail address.