

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 HOUSE BILL 2294

By: Strom of the House

5 and

6 **Bullard** of the Senate

7  
8  
9 AS INTRODUCED

10 An Act relating to professions and occupations;  
11 amending 59 O.S. 2021, Section 1350.1, which relates  
12 to the Bail Enforcement and Licensing Act; clarifying  
scope of definition; adding definition; and providing  
an effective date.

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15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. AMENDATORY 59 O.S. 2021, Section 1350.1, is  
17 amended to read as follows:

18 Section 1350.1 As used in the Bail Enforcement and Licensing  
19 Act:

20 1. "Armed bail enforcer" means a bail enforcer having a valid  
21 license issued by the Council on Law Enforcement Education and  
22 Training authorizing the holder to carry an approved pistol, long  
23 gun, or weapon in the recovery of a defendant pursuant to the Bail  
24 Enforcement and Licensing Act;

1       2. "Bail enforcer" means a person who acts, engages in,  
2 solicits or offers services to:

3           a. execute a prior to breach recovery of a defendant on  
4           an undertaking or bail bond contract, or

5           b. execute a recovery of a defendant for failure to  
6           appear on an undertaking or bail bond contract issued  
7           in this state, another state or the United States.

8       The term "bail enforcer" does not include any law enforcement  
9 officer actively employed by a law enforcement agency recognized in  
10 this state, or any of its political subdivisions, another state or  
11 the United States, while such officer is engaged in the lawful  
12 performance of duties authorized by his or her employing law  
13 enforcement agency, a bondsman licensed in this state and acting  
14 under the authority of his or her undertaking or bail contract or a  
15 licensed bondsman appointed by an insurer in this state with regard  
16 to a defendant on a bond posted by that insurer;

17       3. "Bail recovery contract" or "client contract" means an  
18 agreement to perform the services of a bail enforcer for a client.  
19 Only a bail enforcer licensed by the Council may enter into a client  
20 contract to perform the services of a bail enforcer. A bail  
21 enforcer is liable for his or her acts and omissions while executing  
22 a recovery of a defendant pursuant to a client contract;

23       4. "Client" means a bondsman or surety on an undertaking or  
24 bail bond contract issued in this state, another state or the United

1 States that enters into a contract for the services of a bail  
2 enforcer;

3 5. "Council" or "CLEET" means the Council on Law Enforcement  
4 Education and Training;

5 6. "Defendant" means the principal on an undertaking or bail  
6 bond contract;

7 7. "License" means authorization issued by the Council pursuant  
8 to the Bail Enforcement and Licensing Act permitting the holder to  
9 perform functions and services as a bail enforcer;

10 8. "Long gun" means a shotgun or rifle with a barrel length of  
11 at least eighteen (18) inches designed or intended to be fired when  
12 braced against the shoulder;

13 9. "Weapon" means taser, stun gun, baton, night stick or any  
14 other device used to subdue a defendant, or any noxious substances  
15 as defined in paragraph ~~10~~ 11 of this subsection;

16 ~~9.~~ 10. "Recovery" or "surrender" means the presentation of a  
17 defendant to the public officer competent to receive the defendant  
18 into custody; and

19 ~~10.~~ 11. "Noxious substance" means OC spray, pepper spray, mace  
20 or any substance used as a physiological irritant.

21 SECTION 2. This act shall become effective November 1, 2023.

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23 COMMITTEE REPORT BY: COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS,  
24 dated 03/01/2023 - DO PASS, As Coauthored.