

MAR 14 2007

SENATE CONCURRENT RESOLUTION

REQUESTING A SUNRISE REVIEW OF THE REGULATION OF BAIL BONDING
AGENTS AND THE BAIL BOND INDUSTRY.

1 WHEREAS, the bail bond industry and bail bonding agents
2 provide an extraordinarily valuable service to law enforcement
3 and accused persons alike; and
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5 WHEREAS, pretrial release on bail frees up crowded jail
6 space and permits defendants to participate more fully in their
7 defense; and
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9 WHEREAS, bail bonding agents, backed by surety insurance
10 companies, make possible the pretrial release of defendants
11 annually, at no expense to taxpayers, while providing assurances
12 that defendants charged with crimes will appear as scheduled to
13 answer those charges; and
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15 WHEREAS, persons authorized to apprehend bail fugitives
16 have very broad common law powers to arrest a person; and
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18 WHEREAS, to protect against abuses, many states have
19 enacted laws regulating the conduct of persons who apprehend bail
20 fugitives; and
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22 WHEREAS, four states have banned the practice outright,
23 twelve others require licenses, and others restrict certain types
24 of conduct; and
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26 WHEREAS, Hawaii currently has no laws regulating the
27 conduct of persons who apprehend bail fugitives in the State;
28 and
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30 WHEREAS, section 26H-6, Hawaii Revised Statutes, requires
31 that "[n]ew regulatory measures being considered for enactment
32 that, if enacted, would subject unregulated professions and



1 vocations to licensing or other regulatory controls shall be
2 referred to the auditor for analysis"; and
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4 WHEREAS, S.B. No. 1961, introduced during the 2007 Regular
5 Session, proposes to regulate bail bonding agents and the bail
6 bond industry; now, therefore,
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8 BE IT RESOLVED by the Senate of the Twenty-fourth
9 Legislature of the State of Hawaii, Regular Session of 2007, the
10 House of Representatives concurring, that the Auditor is
11 requested to perform a sunrise review of the regulation of bail
12 bonding agents and the bail bond industry as proposed in
13 S.B. No. 1961; and
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15 BE IT FURTHER RESOLVED that the Auditor is requested to
16 report findings and recommendations, including alternate
17 licensing and regulatory frameworks to the one contained in S.B.
18 No. 1961, to the Legislature no later than twenty days prior to
19 the convening of the Regular Session of 2008; and
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21 BE IT FURTHER RESOLVED that certified copies of this
22 Concurrent Resolution be transmitted to the Auditor and the
23 Director of Commerce and Consumer Affairs.
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OFFERED BY:

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