

JAN 24 2007

S.B. NO. 1810

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# A BILL FOR AN ACT

RELATING TO BAIL ENFORCEMENT AGENTS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. Chapter 431, Hawaii Revised Statutes, is  
2 amended by adding a new article to be appropriately designated  
3 and to read as follows:

4 **"ARTICLE**

5 **BAIL ENFORCEMENT AGENTS**

6 **PART I. GENERAL PROVISIONS**

7 **§431: -101 Scope.** This article shall govern the  
8 qualifications and procedures for granting licenses to all bail  
9 enforcement agents.

10 **§431: -102 Definitions.** As used in this article, unless  
11 the context otherwise requires:

12 "Bail enforcement agent" or "bounty hunter" means a person  
13 who transacts the apprehension or surrender of a defendant in a  
14 pending criminal case who has been released from custody under a  
15 financially secured appearance, cash, or other bond and has had  
16 that bond declared forfeited, or a defendant in a pending  
17 criminal case who has violated a bond condition whereby  
18 apprehension and reincarceration are permitted.



1                   PART II. LICENSING REQUIREMENTS,  
2                   PROCEDURES AND ENFORCEMENT

3           §431: -201 License required; exception. No person  
4 holding oneself out as a bail enforcement agent in this State  
5 shall do so unless so licensed by this State.

6           §431: -202 General qualifications for license. For the  
7 protection of the public, the commissioner shall not issue or  
8 extend any license for a bail enforcement agent to any  
9 individual:

- 10           (1) Less than eighteen years of age;
- 11           (2) Who has been convicted in any jurisdiction of a felony  
12           involving:
  - 13           (A) Theft;
  - 14           (B) Unlawful use or possession of a deadly weapon or  
15           dangerous instrument;
  - 16           (C) Violence; or
  - 17           (D) Unlawful use, possession, or sale of a narcotic  
18           or other dangerous drug; or
- 19           (3) Who has been committed for a mental disorder to any  
20           hospital, mental institution, or sanitarium and does  
21           not possess a certificate from a physician that the  
22           individual no longer suffers from the mental disorder



1           such that the mental disorder would interfere with or  
2           prevent the individual from handling dangerous  
3           weapons.

4           **§431: -203 Applications for license.** (a) Application  
5 for any such license shall be made to the commissioner upon  
6 forms as prescribed and furnished by the commissioner.

7           (b) Each applicant for license as a bail enforcement agent  
8 shall prior to the issuance of any such license, personally take  
9 and pass an eight-hour criminal justice course administered or  
10 approved by the commissioner.

11           (c) Each applicant for license as a bail enforcement agent  
12 shall prior to the issuance of any such license, personally take  
13 and pass to the satisfaction of the commissioner an examination  
14 given by the commissioner as a test of the applicant's  
15 qualifications and competence.

16           (d) In addition, each applicant shall submit fingerprints  
17 to the police of the county in which the individual resides and  
18 shall provide the commissioner with consent to perform a  
19 criminal history background check on the individual.

20           (e) Licenses issued under this article shall be subject to  
21 renewal every three years upon the original issuance.



1 §431: -204 Prohibitions. In executing one's duties as a  
2 bail enforcement agent, no bail enforcement agent may:

- 3 (1) Apprehend a defendant unless the bail enforcement
- 4 agent has identified oneself to the defendant as a
- 5 bail enforcement agent licensed under this article; or
- 6 (2) Enter a residence to apprehend a defendant unless the
- 7 bail enforcement agent has obtained permission to
- 8 enter the premises from a person of majority age
- 9 residing at the residence."

10 SECTION 2. This Act shall take effect upon its approval.

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INTRODUCED BY:

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**Report Title:**

Bail Enforcement Agent

**Description:**

Requires licensure for bail enforcement agents.

