



General Assembly

**Substitute Bill No. 5382**

February Session, 2012

\*        HB05382PS        031412        \*

**AN ACT CONCERNING PROFESSIONAL BONDSMEN, SURETY BAIL BOND AGENTS AND BAIL ENFORCEMENT AGENTS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 29-145 of the 2012 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective October 1, 2012*):

4 Any person desiring to engage in the business of a professional  
5 bondsman shall apply to the Commissioner of Emergency Services and  
6 Public Protection for a license. Such application shall set forth under  
7 oath the full name, age, residence, telephone number and occupation  
8 of the applicant, whether the applicant intends to engage in the  
9 business of a professional bondsman individually or in partnership or  
10 association with another or others, and, if so, the identity of each. It  
11 shall also set forth under oath a statement of the assets and liabilities of  
12 the applicant, and whether the applicant has been charged with or  
13 convicted of a crime, and such other information, including  
14 fingerprints and photographs, as said commissioner from time to time  
15 may require. The commissioner shall require the applicant to submit  
16 proof that he or she is at least twenty-one years of age and has received  
17 a high school diploma or an equivalent academic education. The  
18 commissioner shall require the applicant to submit to state and  
19 national criminal history records checks. The criminal history records

20 checks required pursuant to this section shall be conducted in  
21 accordance with section 29-17a. No person who has been convicted of  
22 a felony shall be licensed to do business as a professional bondsman in  
23 this state. No person engaged in law enforcement or vested with police  
24 powers shall be licensed to do business as a professional bondsman.  
25 No person who has not attained twenty-one years of age or has not  
26 received a high school diploma or an equivalent academic education  
27 shall be licensed to do business as a professional bondsman.

28 Sec. 2. Section 29-147 of the general statutes is repealed and the  
29 following is substituted in lieu thereof (*Effective October 1, 2012*):

30 Each professional bondsman licensed under the provisions of this  
31 chapter may apply for a renewal of his license upon renewal  
32 application forms provided by the Commissioner of Emergency  
33 Services and Public Protection and requiring the disclosure of such  
34 information as said commissioner requires in determining whether or  
35 not such professional bondsman's financial responsibility remains  
36 unimpaired or whether for any other reason such bondsman's fitness  
37 to continue in such business has been otherwise altered since the  
38 issuance of any prior license. Said commissioner may suspend for a  
39 definite term or revoke any license issued under the provisions of this  
40 chapter if it appears to said commissioner that (1) such licensee has  
41 been convicted of a felony in this state or elsewhere, [or] (2) such  
42 licensee is engaged in any unlawful activity affecting his fitness to  
43 continue in the business of professional bondsman, [or that his] (3) the  
44 financial responsibility of such licensee has been substantially  
45 impaired, or (4) such licensee is subject to a restraining or protective  
46 order issued by a court in a case involving the use, attempted use or  
47 threatened use of physical force against another person.

48 Sec. 3. Section 29-152f of the general statutes is repealed and the  
49 following is substituted in lieu thereof (*Effective October 1, 2012*):

50 Any person desiring to engage in the business of a bail enforcement  
51 agent shall apply to the Commissioner of Emergency Services and

52 Public Protection for a license therefor. Such application shall set forth  
53 under oath the full name, age, date and place of birth, residence and  
54 occupation of the applicant. It shall also set forth under oath a  
55 statement of whether the applicant has been charged with or convicted  
56 of a crime, and such other information, including fingerprints and  
57 photographs, as required by the commissioner. The commissioner  
58 shall require the applicant to submit proof that he or she is at least  
59 twenty-one years of age and has received a high school diploma or an  
60 equivalent academic education. The commissioner shall require the  
61 applicant to submit to state and national criminal history records  
62 checks. The criminal history records checks required pursuant to this  
63 section shall be conducted in accordance with section 29-17a. Within  
64 five years prior to the date of application, the applicant shall have  
65 successfully completed a course in the criminal justice system  
66 consisting of not less than twenty hours of study approved by the  
67 commissioner. No person who has been convicted of a felony or any  
68 misdemeanor under section 21a-279, 53a-58, 53a-61, 53a-61a, 53a-62,  
69 53a-63, 53a-96, 53a-173, 53a-175, 53a-176, 53a-178 or 53a-181d shall be  
70 licensed to do business as a bail enforcement agent in this state. No  
71 person engaged in law enforcement or vested with police powers shall  
72 be licensed to do business as a bail enforcement agent. No person who  
73 has not attained twenty-one years of age or has not received a high  
74 school diploma or an equivalent academic education shall be licensed  
75 to do business as a bail enforcement agent.

76 Sec. 4. Section 29-152i of the general statutes is repealed and the  
77 following is substituted in lieu thereof (*Effective October 1, 2012*):

78 The Commissioner of Emergency Services and Public Protection  
79 may suspend, revoke or refuse to renew the license of any bail  
80 enforcement agent, provided notice shall have been given to the  
81 licensee to appear before the commissioner to show cause why the  
82 license should not be suspended, revoked or refused renewal, upon a  
83 finding by the commissioner that: (1) The licensee has violated any of  
84 the terms or provisions of sections 29-152e to 29-152m, inclusive, as  
85 amended by this act, or section 38a-660a or any of the regulations

86 adopted under section 29-152o; (2) the licensee has practiced fraud,  
87 deceit or misrepresentation; (3) the licensee has made a material  
88 misstatement in the application for issuance or renewal of such license;  
89 (4) the licensee has demonstrated incompetence or untrustworthiness  
90 in the conduct of the licensee's business; (5) the licensee is subject to a  
91 restraining or protective order issued by a court in a case involving the  
92 use, attempted use or threatened use of physical force against another  
93 person; (6) the licensee has been convicted of a felony, a misdemeanor  
94 specified in section 29-152f, as amended by this act, or other crime  
95 affecting the licensee's honesty, integrity or moral fitness; or [(6)] (7)  
96 the licensee is unsuitable. The suspension or revocation of, or the  
97 refusal to renew, any bail enforcement agent's license shall also  
98 constitute the revocation of the bail enforcement agent's firearms  
99 permit issued pursuant to section 29-152m, as amended by this act.  
100 Any bail enforcement agent who fails to surrender such license within  
101 five days of notification in writing of the suspension or revocation of,  
102 or refusal to renew, such license shall be guilty of a class C  
103 misdemeanor. Any party aggrieved by an order of the commissioner  
104 under this section may appeal therefrom in accordance with the  
105 provisions of section 4-183, except venue for such appeal shall be in the  
106 judicial district of Hartford.

107 Sec. 5. Section 29-152l of the general statutes is repealed and the  
108 following is substituted in lieu thereof (*Effective October 1, 2012*):

109 (a) No professional bondsman licensed under chapter 533, surety  
110 bail bond agent licensed under chapter 700f or bail enforcement agent  
111 licensed under sections 29-152f to 29-152i, inclusive, as amended by  
112 this act, shall wear, carry or display any uniform, badge, shield or  
113 other insignia or emblems that purport to indicate that such bondsman  
114 or agent is an employee, officer or agent of the state or any political  
115 subdivision of the state or of the federal government.

116 (b) No bail enforcement agent licensed under sections 29-152f to 29-  
117 152i, inclusive, as amended by this act, shall wear, carry or display a  
118 badge that indicates that he or she is a bail enforcement agent or

119 performs the duties of a bail enforcement agent unless the  
120 Commissioner of Emergency Services and Public Protection has  
121 approved such badge. If the commissioner suspends or revokes, or  
122 refuses to renew, the license of a bail enforcement agent, such agent  
123 shall surrender any badge approved by the commissioner pursuant to  
124 this subsection when such agent surrenders such license pursuant to  
125 section 29-152i, as amended by this act. Any violation of this  
126 subsection shall be an infraction.

127       Sec. 6. Section 29-152m of the general statutes is repealed and the  
128 following is substituted in lieu thereof (*Effective October 1, 2012*):

129       (a) No professional bondsman licensed under chapter 533, surety  
130 bail bond agent licensed under chapter 700f or bail enforcement agent  
131 licensed under sections 29-152f to 29-152i, inclusive, as amended by  
132 this act, shall carry a pistol, revolver or other firearm while engaging in  
133 the business of a professional bondsman, surety bail bond agent or bail  
134 enforcement agent, as the case may be, or while traveling to or from  
135 such business unless such bondsman or agent obtains a special permit  
136 from the Commissioner of Emergency Services and Public Protection  
137 in accordance with the provisions of subsection (b) of this section. The  
138 permit required under this section shall be in addition to the permit  
139 requirement imposed under section 29-28 and shall not be issued until  
140 the applicant has been issued a permit under section 29-28.

141       (b) The Commissioner of Emergency Services and Public Protection  
142 may grant to any professional bondsman licensed under chapter 533,  
143 surety bail bond agent licensed under chapter 700f or bail enforcement  
144 agent licensed under sections 29-152f to 29-152i, inclusive, as amended  
145 by this act, a permit to carry a pistol or revolver or other firearm while  
146 engaging in the business of professional bondsman, surety bail bond  
147 agent or bail enforcement agent, as the case may be, or while traveling  
148 to or from such business, provided that such bondsman or agent has  
149 proven to the satisfaction of the commissioner that such bondsman or  
150 agent has successfully completed a course, approved by the  
151 commissioner, of training in the safety and use of firearms. [The

152 commissioner shall adopt regulations in accordance with the  
153 provisions of chapter 54 concerning the approval of schools,  
154 institutions or organizations offering such courses, requirements for  
155 instructors and the required number of hours and content of such  
156 courses.]

157 (c) [Application] An application for a permit [issued] pursuant to  
158 this section shall be made on forms provided by the commissioner and  
159 shall be accompanied by a [sixty-two-dollar] fee of sixty-two dollars.  
160 Such permit shall have an expiration date that coincides with that of  
161 the state permit to carry a pistol or revolver issued pursuant to section  
162 29-28.

163 (d) A permit issued pursuant to this section shall be renewable  
164 every five years with a renewal fee of sixty-two dollars. Each holder of  
165 a permit issued pursuant to this section shall successfully complete an  
166 annual firearms safety refresher course approved by the commissioner  
167 as a condition of such renewal. The commissioner shall send, by first  
168 class mail, a notice of expiration of the bail enforcement agent firearms  
169 permit issued pursuant to this section, together with a notice of  
170 expiration of the permit to carry a pistol or revolver issued pursuant to  
171 section 29-28, in one combined form. The commissioner shall send  
172 such combined notice to the holder of the permits not later than ninety  
173 days before the date of the expiration of both permits, and shall  
174 enclose a form for renewal of the permits. A bail enforcement agent  
175 firearms permit issued pursuant to this section shall be valid for a  
176 period of ninety days after the expiration date, except this provision  
177 shall not apply if the permit to carry a pistol or revolver has been  
178 revoked or revocation is pending pursuant to section 29-32, in which  
179 case the bail enforcement agent firearms permit shall also be revoked.

180 (e) The commissioner shall adopt regulations in accordance with the  
181 provisions of chapter 54 concerning the approval of schools,  
182 institutions or organizations offering firearms safety courses, the  
183 requirements for instructors and the required number of hours and  
184 content of such courses.

185       Sec. 7. (NEW) (*Effective October 1, 2012*) (a) On and after October 1,  
186 2012, no person may be an instructor for a course in the criminal justice  
187 system for purposes of section 29-152f of the general statutes, as  
188 amended by this act, or a course in the safety and use of firearms for  
189 purposes of subsection (b) of section 29-152m of the general statutes, as  
190 amended by this act, without the approval of the Commissioner of  
191 Emergency Services and Public Protection.

192       (b) (1) An application for approval as an instructor shall be  
193 submitted on a form prescribed by the commissioner. Such application  
194 shall be made under oath and contain the following: (A) The  
195 applicant's name, address and date and place of birth; (B) the  
196 applicant's employment for the five years prior to the date of  
197 application; (C) the applicant's education or training in the subject  
198 matter of the course required under section 29-152f of the general  
199 statutes, as amended by this act, or subsection (b) of section 29-152m of  
200 the general statutes, as amended by this act, as applicable; (D) any  
201 convictions for violations of the law; and (E) such other information as  
202 the commissioner may require by regulation adopted pursuant to this  
203 section for purposes of investigating the character, competency and  
204 integrity of the applicant.

205       (2) No person shall be approved as an instructor who (A) has been  
206 convicted of a felony or any misdemeanor pursuant to section 21a-279,  
207 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-173, 53a-175, 53a-  
208 176, 53a-178 or 53a-181d of the general statutes, (B) has been denied a  
209 license as a professional bondsman, surety bail bond agent or bail  
210 enforcement agent, or (C) has had such license suspended or revoked.

211       (3) If a course conducted by an instructor under section 29-152f of  
212 the general statutes, as amended by this act, or subsection (b) of section  
213 29-152m of the general statutes, as amended by this act, is approved by  
214 the commissioner on or before October 1, 2012, the instructor of such  
215 course shall, notwithstanding subsection (a) of this section, have until  
216 April 1, 2013, to apply for approval as an instructor in accordance with  
217 this subsection.

218 (c) Upon being satisfied, after investigation, that the applicant  
219 satisfies the requirements of subsection (b) of this section and is a  
220 suitable person to be approved as an instructor, the commissioner may  
221 issue an approval to such applicant to do business in this state as an  
222 approved instructor. The fee for such approval shall be fifty dollars.  
223 The term of such approval shall not exceed two years from the date of  
224 the initial approval. Any person approved as an instructor under this  
225 section shall notify the commissioner of any change in such person's  
226 address not later than two business days after such change. The  
227 notification shall include the person's old address and new address.

228 (d) Each person approved as an instructor under this section may  
229 apply for renewal of such approval on a form prescribed by the  
230 commissioner that provides for the disclosure of such information as  
231 the commissioner may require to determine whether such person's  
232 suitability to continue as an instructor has changed since the issuance  
233 of the prior approval. The fee for such renewal shall be fifty dollars.

234 (e) The commissioner may adopt regulations, in accordance with the  
235 provisions of chapter 54 of the general statutes, to implement the  
236 provisions of this section.

237 (f) Any person who violates any provision of subsection (a) of this  
238 section shall be fined seventy-five dollars for each offense. Each  
239 distinct violation of subsection (a) of this section shall be a separate  
240 offense and, in the case of a continuing violation, each day thereof shall  
241 be deemed a separate offense.

242 Sec. 8. (NEW) (*Effective October 1, 2012*) The Commissioner of  
243 Emergency Services and Public Protection may suspend, revoke or  
244 refuse to renew the approval of any instructor issued pursuant to  
245 section 7 of this act, provided the commissioner has given notice to the  
246 instructor to appear before the commissioner to show cause why the  
247 approval should not be suspended, revoked or refused renewal, upon  
248 a finding by the commissioner that the instructor: (1) Has violated any  
249 of the terms or provisions of section 7 of this act; (2) has practiced

250 fraud, deceit or misrepresentation; (3) has made a material  
 251 misstatement in the application for issuance or renewal of such  
 252 approval; (4) has demonstrated incompetence or untrustworthiness in  
 253 the conduct of the instructor's courses; (5) has been convicted of a  
 254 felony, a misdemeanor specified in subdivision (2) of subsection (b) of  
 255 section 7 of this act or any crime affecting the instructor's honesty,  
 256 integrity or moral fitness; or (6) is otherwise unsuitable. Any party  
 257 aggrieved by an order of the commissioner under this section may  
 258 appeal therefrom in accordance with the provisions of section 4-183 of  
 259 the general statutes, except venue for such appeal shall be in the  
 260 judicial district of Hartford.

261       Sec. 9. Section 29-152n of the general statutes is repealed and the  
 262 following is substituted in lieu thereof (*Effective October 1, 2012*):

263       Any person who violates any provision of sections 29-152e to  
 264 29-152m, inclusive, as amended by this act, for which no other penalty  
 265 is provided, shall be guilty of a class D felony.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2012</i>	29-145
Sec. 2	<i>October 1, 2012</i>	29-147
Sec. 3	<i>October 1, 2012</i>	29-152f
Sec. 4	<i>October 1, 2012</i>	29-152i
Sec. 5	<i>October 1, 2012</i>	29-152l
Sec. 6	<i>October 1, 2012</i>	29-152m
Sec. 7	<i>October 1, 2012</i>	New section
Sec. 8	<i>October 1, 2012</i>	New section
Sec. 9	<i>October 1, 2012</i>	29-152n

**PS**           *Joint Favorable Subst.*