

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 13-94—SB 825

Public Safety and Security Committee

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

SUMMARY: This act makes changes in the laws governing professional bondsmen, bail enforcement agents, and surety bail bond agents. It:

1. requires professional bondsmen and bail enforcement agents to be at least age 21 and have a high school diploma or equivalent education;
2. allows the Department of Emergency Services and Public Protection (DESPP) commissioner to suspend or revoke the license of a bail enforcement agent or professional bondsman under a restraining or protective order for using or attempting or threatening to use force against someone;
3. requires annual firearms refresher training for professional bondsmen, bail bond agents, and bail enforcement agents issued a DESPP special firearms permit to carry firearms on the job; and
4. requires (a) DESPP to approve bail enforcement agent badges and (b) an agent to surrender the badge if his or her license is revoked, suspended, or not renewed.

The act also requires DESPP approval to teach a criminal justice course for bail enforcement agents or firearms safety course for professional bondsmen, bail enforcement agents, or surety bail bond agents. The approval costs \$50 and is valid for two years. Teaching without approval is a violation subject to a \$75 fine per day.

Finally, the act makes technical changes.

EFFECTIVE DATE: October 1, 2013

PROFESSIONAL BONDSMEN AND BAIL ENFORCEMENT AGENTS

Qualifications for Licensure

By law, professional bondsmen and bail enforcement agents must be licensed by DESPP. A professional bondsman is someone in the business of providing bail in five or more criminal cases in a year, whether for compensation or free (CGS § 29-144). He or she puts up personal assets as bond security. A bail enforcement agent is someone engaged in the business of taking or attempting to take into custody people on bond who fail to appear in court and for whom a rearrest warrant or a *capias* has been issued (CGS § 29-152e).

The act adds age and education to the licensure qualifications for professional bondsmen and bail enforcement agents. It requires applicants for a license to (1) be at least age 21 and have a high school diploma or equivalent education and (2) submit proof of such when they apply for a license.

OLR PUBLIC ACT SUMMARY

Under existing law, a person cannot be licensed as a professional bondsman or bail enforcement agent if he or she has been convicted of a felony or engaged in law enforcement or vested with police powers. Also ineligible for licensure as a bail enforcement agent is anyone who has been convicted of any of the following misdemeanors:

1. criminally negligent homicide;
2. 3rd degree assault;
3. 3rd degree assault of a blind, elderly, disabled, pregnant, or intellectually disabled person;
4. 2nd degree threatening;
5. 1st degree reckless endangerment;
6. 2nd degree unlawful restraint;
7. 2nd degree failure to appear;
8. 1st or 2nd degree riot;
9. inciting to riot;
10. 2nd degree stalking; or
11. a first offense involving possession of certain controlled substances or one-half ounce or more but less than four ounces of marijuana.

Grounds for License Suspension and Revocation

The act expands the grounds on which the commissioner may suspend or revoke a professional bondsman's license or suspend, revoke, or refuse to renew a bail enforcement agent's license. It allows suspension or revocation if a licensee is subject to a restraining or protective order for using or attempting or threatening to use physical force against someone.

By law, the commissioner may already revoke or suspend the license of a professional bondsman (1) who was convicted of a felony, (2) who engaged in any unlawful activity affecting his or her fitness to stay in business, or (3) whose financial responsibility has been substantially impaired.

Also, he may already revoke, suspend, or refuse to renew the license of a bail enforcement agent who he finds unsuitable or who:

1. violated the laws or regulations governing bail enforcement agents;
 2. practiced fraud, deceit, or misrepresentation;
 3. made a material misstatement in a license or renewal application;
 4. demonstrated incompetence or untrustworthiness in conducting business;
- or
5. has been convicted of a felony, any of the misdemeanors specified above, or another crime affecting his or her honesty, integrity, or moral fitness.

By law, the suspension, revocation, or refusal to renew a bail enforcement agent's license constitutes grounds for the revocation of the person's special permit to carry firearms on, or going to or from, his or her job.

ANNUAL FIREARM REFRESHER TRAINING REQUIRED

By law, professional bondsmen, surety bail bond agents, and bail enforcement agents must obtain a special DESPP permit if they wish to carry firearms on, or

OLR PUBLIC ACT SUMMARY

while travelling to or from, their jobs. This is in addition to the gun permit required to carry handguns in the state. The act conforms the law to practice by stipulating that DESPP cannot issue the special permit before it has issued the standard gun permit.

By law, the special permit (as is the standard gun permit) is valid for five years. The act requires the licensee to complete an annual firearms safety refresher course approved by the commissioner as a condition of renewing the special permit.

A surety bail bond agent is anyone approved by the insurance commissioner and appointed by an insurer by power of attorney to execute or countersign bail bonds for the insurer in connection with judicial proceedings (CGS § 38a-660).

BAIL ENFORCEMENT AGENT BADGE APPROVAL AND DISPLAY

The act prohibits a bail enforcement agent from wearing, carrying, or displaying a badge indicating that he or she is a bail enforcement agent or performs the duties of such an agent, unless DESPP approves the badge. If the commissioner suspends, revokes, or refuses to renew the individual's license, the agent must surrender the badge when surrendering the license. A violation is an infraction.

CRIMINAL JUSTICE INSTRUCTOR APPROVAL

Application for Approval as Instructor

By law, (1) bail enforcement agents must successfully complete a criminal justice course of at least 20 hours in the five years before they apply for a license and (2) bail bondsmen, bail enforcement agents, and surety bail bond agents carrying firearms on the job must complete training in firearm safety and get the special DESPP gun permit (CGS §§ 29-152f & 152m). Both courses must be approved by the DESPP commissioner.

Beginning October 1, 2013, the act requires the commissioner to approve course instructors as well. For a course approved by the commissioner on or before October 1, 2013, the act sets April 1, 2014 as the deadline for applying for approval.

The penalty for teaching without the commissioner's approval is a \$75 fine. Each violation is a separate offense, and in the case of a continuing violation, each day is deemed a separate offense.

Anyone seeking approval as an instructor must complete, under oath, a DESPP application. The application must include:

1. the applicant's name, address, birth date, and birth place; employment during the five years preceding the application; and education or training in criminal justice or firearms safety and use, as applicable;
2. information on any convictions; and
3. any other information the commissioner may require by regulation to properly investigate the applicant's character, competence, and integrity.

The commissioner may approve applicants he deems suitable and who meet the act's requirements. He may not approve anyone who has (1) had a license as a

OLR PUBLIC ACT SUMMARY

professional bondsman, surety bail bond agent, or bail enforcement agent denied, revoked, or suspended or (2) ever been convicted of a felony or any of the specified misdemeanors that bar a person from being licensed as a bail enforcement agent.

The approval is valid for up to two years and costs \$50.

Suspension of Course Instructor Approval

Under the act, the commissioner may suspend, revoke, or refuse to renew an instructor's approval, after notice and hearing opportunity, if the person:

1. violated the act's provisions or regulations governing instructors;
2. practiced fraud, deceit, or misrepresentation;
3. made a material misstatement in the application for or renewal of approval;
4. was an incompetent or untrustworthy teacher;
5. has been convicted of any (a) felony, (b) misdemeanor crime that would have made him or her ineligible for approval, or (c) other crime affecting his or her honesty, integrity, or moral fitness; or
6. is otherwise unsuitable.

Aggrieved parties may appeal the commissioner's order to Hartford Superior Court.

Renewal of Approvals

The act requires an instructor seeking to renew approval to complete a DESPP form and include any information DESPP requires to determine his or her suitability to continue as an instructor. The renewal fee is \$50.

Address Changes

The act requires an instructor who changes his or her address to inform DESPP of both the new and former addresses within two business days after the change.

Implementing Regulations

The act allows the commissioner to adopt regulations implementing the provisions governing criminal justice instructors and annual firearm refresher training for professional bondsmen, surety bail bond agents, and bail enforcement agents.

By law, he must already adopt regulations for the approval of schools, institutions, and organizations, including course content, number of hours, and requirements for instructors for firearm safety and use training courses.

OLR Tracking: VR:CR:PF:RO