

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL**No. 615** Session of
2007

INTRODUCED BY GREENLEAF, COSTA, RAFFERTY, BOSCOLA, EARLL, STACK,
BROWNE, O'PAKE, KITCHEN, WAUGH, FONTANA, GORDNER, WASHINGTON
AND WOZNIAK, MARCH 21, 2007

AS AMENDED ON SECOND CONSIDERATION, MAY 13, 2008

AN ACT

1 Regulating bail bond enforcement agents; requiring licensure and
2 registration; and providing for penalties.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Bail Bond
7 Enforcement Agent Law.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Bail bond enforcement agent." A person who has a license
13 under this act to recapture suspects who are released on bail.

14 Section 3. Prohibition.

15 (a) General rule.--No person shall represent himself as or
16 act in the capacity of a bail bond enforcement agent in this
17 Commonwealth unless the person has met the requirements of this

1 act.

2 (b) Penalty.--A COURT OF COMMON PLEAS MAY IMPOSE A CIVIL <—
3 PENALTY OF UP TO \$10,000 ON A person who violates this section
4 ~~commits a misdemeanor of the first degree.~~ <—

5 Section 4. License requirements.

6 (a) Lethal Weapons Training Act.--In order to be licensed as
7 a bail bond enforcement agent, an applicant shall meet the
8 requirements of and complete the training under the act of
9 October 10, 1974 (P.L.705, No.235), known as the Lethal Weapons
10 Training Act.

11 (b) Application.--An applicant for a bail bond enforcement
12 agent license shall apply to the court of common pleas of the
13 county in which the applicant's principal place of business is
14 located. The application shall be on a form provided by the
15 court and shall require:

16 (1) The applicant's name, address, telephone number and
17 such other information as the court may require.

18 (2) A certification that the applicant has met the
19 requirements of and completed the training required by the
20 Lethal Weapons Training Act.

21 (3) Payment of any application fee established pursuant
22 to subsection (c).

23 (c) License.--

24 (1) A court of common pleas shall issue a bail bond
25 enforcement agent license to an applicant meeting the
26 licensure and application requirements of this section. A
27 bail bond enforcement agent license shall be valid for five
28 years unless suspended or revoked for cause by the court.

29 (2) The court may establish fees for issuing and
30 renewing a license under this act.

1 (d) Prohibitions.--

2 (1) Except as otherwise provided in this act, no license
3 shall be issued to any person who has been convicted in this
4 Commonwealth or any other state or territory of a felony or
5 whose license has been previously revoked by the court of
6 common pleas or the authorities of any other state or
7 territory because of conviction of any crime.

8 (2) The provisions of this subsection shall not be
9 construed to prevent the issuance of a license to any person
10 who, subsequent to his conviction, receives executive pardon
11 removing this disability.

12 Section 5. Local law enforcement.

13 (a) Notice requirement.--

14 (1) A bail bond enforcement agent who enters into a
15 municipality in pursuit of and for the purpose of capturing a
16 suspect shall, prior to taking any action in his capacity as
17 a bail bond enforcement agent, notify the chief of police of
18 the municipality in which the surveillance or apprehension is
19 to take place. Notification shall be by registration on a
20 form provided by the municipal police and shall include
21 information identifying the bail bond enforcement agent as a
22 licensed agent, the suspect and the location of the suspect
23 in the municipality.

24 (2) In case of exigent circumstances, written
25 notification shall not be required so long as prior oral
26 notification is made and the written report is submitted
27 within 24 hours after any action has been instituted within
28 the municipality.

29 (3) If the municipality does not have a police
30 department, notification shall be made to the Pennsylvania

1 State Police.

2 (b) Out-of-State agent.--If the bail bond enforcement agent
3 is not a resident of this Commonwealth, the agent must be
4 licensed in the agent's state of residence. The license
5 requirements in the agent's state of residence must be
6 substantially the same as the requirements for licensure under
7 this act.

8 (c) Penalty.--A COURT OF COMMON PLEAS MAY IMPOSE A CIVIL <—
9 PENALTY OF UP TO \$10,000 ON A person who violates this section
10 ~~commits a misdemeanor of the first degree.~~ <—

11 Section 6. Civil damages.

12 Any bail bond enforcement agent who wrongfully causes damage
13 to any person or property, including, but not limited to,
14 trespass, unlawful arrest, unlawful detainment or assault, shall
15 be liable for such damages and may be liable for punitive
16 damages.

17 Section 7. Effective date.

18 This act shall take effect in 120 days.