

MEMO



DEC 07 2010

Senate of Pennsylvania

December 6, 2010

TO: ALL SENATORS
FROM: Stewart J. Greenleaf *Stewart*
SUBJECT: Cosponsorship -- **Bounty hunters**

I am reintroducing **Senate Bill 221**, enacting the Bail Bond Enforcement Agent Law. The legislation regulates bounty hunters and originally was introduced because of an incident in which bounty hunters allegedly broke into the wrong house in a commando-style raid looking for a bail-jumper and shot and killed an innocent young couple. The bounty hunters apparently were looking for a bail jumper who owed a bond company \$25,000.

While this tragic accident occurred in Arizona, it could have happened in Pennsylvania. More recently, another unfortunate case, this one in Pennsylvania, shows the need for state legislation. In Pittsburgh two self-styled "fugitive recovery agents" shot and killed an unarmed man wanted for drug violations.

A law review article states: "Although many are ex-convicts, they make between 25,000 and 30,000 arrests each year. Although they enjoy broader powers than police officers, they are unlicensed, unregulated, and generally free from constitutional constraints. They are legally entitled to break into a suspect's home without a warrant, arrest a suspect using necessary force, and search and imprison suspects without prior authorization from the state. They are America's seven thousand bounty hunters who recapture suspects released on bail, and their unchecked authority results in injuries to suspects, third parties, and themselves." Jonathan Drimmer, "*When Man Hunts Man: The Rights and Duties of Bounty Hunters in the American Criminal Justice System*" *Houston Law Review*, Volume 33 at pages 732 and 733.

The legislation requires that individuals who track down persons who jump bail (bounty hunters or bond enforcement agents) meet the same standards as private detectives. In Pennsylvania, The Private Detective Act of 1953 requires licensing, criminal background checks and lethal weapon training. One of the bounty hunters in the Arizona shoot-out was apparently well known to law enforcement officials. He had a felony conviction and prison record in Texas.

Twenty-five states have laws regulating bounty hunters. Fourteen states require licensing: Arizona, California, Connecticut, Florida, Indiana, Iowa, Louisiana, Mississippi, Nevada, North Carolina, South Carolina, South Dakota, Utah and West Virginia. Seven states have other requirements that regulate bounty hunters: Arkansas, Colorado, Georgia, New Hampshire, Oklahoma, Tennessee and Texas. Four states outlaw the practice altogether: Illinois, Kentucky, Oregon and Wisconsin. While it is important that bail jumpers are tracked down, it is equally important that the individuals who do the tracking are responsible trained professionals.

The Senate passed this legislation during prior sessions.

If you would like to cosponsor this legislation, please contact Pat Snively of my office by e-mailing her at psnively@pasen.gov.