

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 931 Session of
1999

INTRODUCED BY CALTAGIRONE, READSHAW, THOMAS, BELFANTI,
YOUNGBLOOD, TRELLO, BEBKO-JONES, HORSEY, JAMES, RAMOS,
STEELMAN, WASHINGTON, WOJNAROSKI, WALKO, S. MILLER,
MANDERINO, JOSEPHS, CASORIO, BENNINGHOFF, DALEY, SCRIMENTI,
BATTISTO AND LEDERER, MARCH 17, 1999

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 17, 1999

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, regulating the practice
3 of bail enforcement.

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

6 Section 1. Chapter 57 of Title 42 of the Pennsylvania
7 Consolidated Statutes is amended by adding a subchapter to read:

8 SUBCHAPTER C

9 BAIL ENFORCEMENT OFFICERS

10 Sec.

11 5771. Definitions.

12 5772. Constitutional limitations.

13 5773. Registration.

14 5774. Mandatory training.

15 5775. Notification to law enforcement personnel.

16 5776. Penalties.

17 § 5771. Definitions.

1 The following words and phrases when used in this subchapter
2 shall have the meanings given to them in this section unless the
3 context clearly indicates otherwise:

4 "Bail enforcement officer." Any person who, for a fee or
5 compensation, or promise thereof, pursues or retrieves an
6 individual who has been set at liberty by court order upon
7 condition that he appear at a specified time and place, and who
8 without lawful excuse fails to appear at that time and place.
9 The term shall not include police officers, sheriffs or law
10 enforcement personnel who execute warrants of arrest for bail
11 forfeitures pursuant to their official duties. The term shall
12 include bail bondsmen, agents thereof and independent
13 contractors.

14 "Law enforcement personnel." Police officers who are
15 certified under 53 Pa.C.S. Ch. 21 Subch. D (relating to
16 municipal police education and training), who are authorized to
17 enforce this title or violations under 75 Pa.C.S. Pt. III
18 (relating to operation of vehicles) and who carry firearms.
19 § 5772. Constitutional limitations.

20 Bail bondsmen and their agents, including bail enforcement
21 officers, shall conform to constitutional constraints relating
22 to search and arrest which are applicable to law enforcement
23 officers. No bail bondsman or bail enforcement officer shall
24 have the power to enter a premises, search or arrest a suspect
25 without conforming to constitutional limitations afforded by the
26 Constitution of the United States and the Constitution of
27 Pennsylvania.

28 § 5773. Registration.

29 (a) General rule.--Any person who, for a fee, performs the
30 duties of a bail enforcement officer shall register with the

1 Pennsylvania State Police prior to conducting business in this
2 Commonwealth, and with the clerk of courts of each county prior
3 to conducting business in the county.

4 (b) Qualifications.--A person registering under this section
5 must:

6 (1) Be 21 years of age or older.

7 (2) Be a citizen of the United States.

8 (3) Submit to fingerprinting and be photographed for
9 identification.

10 (4) Not have been convicted of a felony or misdemeanor
11 of the first and second degree or of any crime of violence or
12 fraud.

13 (5) Undergo and pass a background check for mental
14 stability, the requirements of paragraphs (1), (2) and (4)
15 and such other requirements as may be established under
16 section 103 of the Brady Handgun Violence Prevention Act
17 (Public Law 103-159, 107 Stat. 1536).

18 (6) Undergo 80 hours of training and be certified by the
19 Pennsylvania Commission on Crime and Delinquency, the cost of
20 the training to be paid for by the prospective bail
21 enforcement officer or by the bail bondsman with whom the
22 person is contracted.

23 (7) Obtain a license from the Insurance Department at a
24 cost of \$25 annually. The provisions of 42 Pa.C.S. § 5743
25 (relating to insurance of license) shall apply to the
26 license.

27 (8) File a certificate with the clerk of courts that the
28 person has a policy of professional liability insurance from
29 a company authorized to issue such a policy in this
30 Commonwealth covering official duties at a minimum of

1 \$250,000 per incident and a minimum aggregate of \$500,000 per
2 year.

3 (9) Be required to be certified by the Constables'
4 Education and Training Board to carry a firearm under the
5 requirements of 42 Pa.C.S. § 2948 (relating to use of
6 firearms) if the bail enforcement officer carries a firearm
7 in the pursuit of professional duties.

8 (10) Carry an identification badge and photo
9 identification identifying the individual as a bail
10 enforcement officer.

11 (c) Penalty.--No person may participate in the practice of
12 bail enforcement unless the person has registered with the
13 Pennsylvania State Police. A person who violates the provisions
14 of this section commits a misdemeanor of the first degree.

15 § 5774. Mandatory training.

16 (a) Training requirement.--Any person who registers as a
17 bail enforcement officer shall, prior to performance of any
18 activity, either as independent contractor or as an agent of
19 another be required to complete successfully not less than 80
20 hours of training, administered by the Pennsylvania Commission
21 on Crime and Delinquency.

22 (b) Training course.--The Pennsylvania Commission on Crime
23 and Delinquency shall establish a training course, to certify
24 persons trained in bail forfeiture arrest, which shall include
25 instructions in the laws of arrest, search and seizure,
26 constitutional guarantees and criminal due process of law.

27 (c) Registration.--Each bail enforcement officer shall, by
28 January 15, April 15, July 15 and October 15, file with the
29 clerk of courts of each county in which the officer has
30 conducted business a summary of all business conducted in the

1 county during the preceding quarter.

2 (d) Appropriation.--The sum of \$200,000, or as much thereof
3 as may be necessary, is hereby appropriated to the Commission on
4 Crime and Delinquency for the fiscal year July 1, 1999, to June
5 30, 2000, for administrative costs of training.

6 § 5775. Notification to law enforcement personnel.

7 (a) Notification.--Any person who engages in the practice of
8 bail enforcement officer shall notify law enforcement personnel
9 of the person's activities within the jurisdiction.

10 (b) Entering structures.--Any person who enters an occupied
11 structure to retrieve a suspect shall notify law enforcement
12 agencies prior to entering.

13 § 5776. Penalties.

14 (a) General rule.--No person shall engage in the practice of
15 bail enforcement or hire an independent contractor to enforce
16 bail obligations unless the contractor has complied with the
17 registration and training provisions of this subchapter.

18 (b) Penalty.--A person who violates the provisions of this
19 section commits a misdemeanor of the third degree.

20 Section 2. This act shall take effect in 60 days.