

ARIZONA BAIL BONDSMEN ASSOCIATION

842 E Isabella Ave #101

Mesa AZ 85204

480-560-4390

John Burns
President

Leigh Dunham
Treasurer

Proposed Amendment

Bail Recovery Agent Prohibitions; Criminal Records Checks

TAB 6

SPONSORED BY SENATOR MCCOMISH

Last Updated: **October 6, 2011**

Bail Recovery Agent Prohibitions; Criminal Records Checks

Sec. 3. Section 20-340.04, Arizona Revised Statutes, is amended to read:

20-340.04. Bail recovery agent prohibitions; criminal records checks

A. No person who has been convicted in any jurisdiction of theft, any felony or any crime involving the carrying or illegal use or possession of a deadly weapon or dangerous instrument may act as a bail recovery agent.

B. A person shall submit a full set of fingerprints to the department before acting as a bail recovery agent and shall submit a new set of fingerprints on or before September 1 of every third year after initial identification by the bail bond agent in the report that is filed with the director pursuant to section 13-3885, subsection C. The department of insurance shall submit the fingerprints to the department of public safety for the purpose of obtaining a state and federal criminal records check pursuant to section 41-1750 and Public Law 92-544. The fingerprint processing fee collected by the department shall be an amount that does not exceed the cost to the department that is charged by the federal bureau of investigation for the fingerprint processing to obtain federal criminal history record information. The department of public safety may exchange this fingerprint data with the federal bureau of investigation. The department of public safety shall provide the criminal history record information to the director pursuant to section 41-1750.

C. Any person who acts as a bail recovery agent on behalf of any bail bond agent and any person who conducts any action relating to a bail recovery or apprehension must be identified by the bail bond agent in the report that is filed with the director pursuant to section 13-3885, subsections C and D.

D. A bail bond agent may not employ a bail recovery agent who does not comply with this section and who has not been identified by the bail bond agent in the report that is filed with the director pursuant to section 13-3885, subsection C. A bail bond agent who is not licensed in this state shall contract with a bail bond agent in this state to retain the services of a bail recovery agent in this state.

E. RESIDENCY REQUIREMENT OF ONE YEAR

F. FULL CRIMINAL BACKGROUND CHECK PRIOR TO ISSUANCE OF A LICENSE OR REGISTRATION.

G. DEPARTMENT OF INSURANCE WILL ESTABLISH A TEST OF BASIC SKILLS FOR BAIL RECOVERY AGENTS

H. DEPARTMENT OF INSURANCE WILL ESTABLISH A FEE FOR TESTING AND REGISTRATION FOR ALL BAIL RECOVERY AGENTS

ARIZONA BAIL BONDSMEN ASSOCIATION

842 E Isabella Ave #101

Mesa AZ 85204

480-560-4390

John Burns
President

Leigh Dunham
Treasurer

Proposed Amendment

Bail Recovery Agent Prohibitions; Criminal Records Checks

I. MINIMUM AGE OF 21 YEARS OLD

J. MUST HAVE HIGH SCHOOL DIPLOMA OR GENERAL EDUCATION DIPLOMA

~~K. MUST COMPLETE AN EIGHT HOUR GUN SAFETY COURSE WITH AN AUTHORIZED FIREARMS SAFETY INSTRUCTOR THAT IS CERTIFIED BY DEPARTMENT OF PUBLIC SAFETY.~~

K. AT LEAST SIXTEEN (16) HOURS OF INITIAL FIREARMS INSTRUCTION AND EIGHT (8) HOURS ANNUAL CONTINUING FIREARMS INSTRUCTION IN THE USE OF THE WEAPON USED BY THE BAIL RECOVERY AGENT IS REQUIRED IF A FIREARM IS USED WITHIN THE SCOPE OF EMPLOYMENT. ALL FIREARMS TRAINING AND QUALIFICATIONS SHALL BE CONDUCTED BY A FIREARMS INSTRUCTOR CERTIFIED BY THE DEPARTMENT OF PUBLIC SAFETY AND SHALL BE COMPLETED BEFORE THE BAIL RECOVERY AGENT IS ASSIGNED TO ANY POSITION REQUIRING THE CARRYING OF A FIREARM. THE LICENSEE SHALL PROVIDE A MONTHLY REPORT TO THE DEPARTMENT OF PUBLIC SAFETY IDENTIFYING ALL ARMED BAIL RECOVERY AGENTS EMPLOYED BY THE AGENCY.

L. THE DEPARTMENT WILL AUTHORIZE A UNIFORM ID CARD TO ALL LICENSED BAIL RECOVERY AGENTS AT THE LICENSEE EXPENSE. THE DEPARTMENT WILL ESTABLISH A STATEWIDE DESIGN.

M. AT A MINIMUM, PRIOR TO BEING LICENSED OR REGISTERED, AGENT MUST COMPLETE 120 HOURS OF ON THE JOB TRAINING WITH A LICENSED OR REGISTERED BAIL RECOVERY AGENT THAT HAS BEEN LICENSED OR REGISTERED FOR AT LEAST A PERIOD OF 24 MONTHS. PRIOR LAW ENFORCEMENT OR MILITARY POLICE EXPERIENCE OF A MINIMUM OF TWO YEARS CAN QUALIFY FOR A LICENSE REGISTRATION WITHOUT ON THE JOB TRAINING AND WHO IS QUALIFIED FOR ALL OTHER PROVISIONS.

N. A BAIL BOND AGENT MAY NOT EMPLOY A BAIL RECOVERY AGENT WHO IS A PEACE OFFICER, OR RESERVE DEPUTY, ACTIVELY CERTIFIED BY THE ARIZONA POST (PEACE OFFICER STANDARDS AND TRAINING BOARD).