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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 4006

03/19/2018 Authored by Zerwas, Lesch and Grossell
The bill was read for the first time and referred to the Committee on Public Safety and Security Policy and Finance

1.1 A bill for an act
1.2 relating to public safety; establishing a bail enforcement agent license; amending
1.3 Minnesota Statutes 2016, section 629.63; proposing coding for new law in
1.4 Minnesota Statutes, chapter 326.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. 326.3351 BAIL ENFORCEMENT AGENT.

1.7 Subdivision 1. Prohibition. No person shall act as a bail enforcement agent without
1.8 having first obtained a license as provided in this section.

1.9 Subd. 2. Application procedure. The board shall issue a bail enforcement license upon
1.10 application to any person who is qualified under subdivision 3 and in accordance with any
1.11 rules the board elects to adopt to implement this section. The bail enforcement license shall
1.12 remain effective for two years as long as the license holder remains qualified under
1.13 subdivision 3 and complies with the laws of Minnesota and the rules of the board. Upon
1.14 receipt of an application for a bail enforcement agent license, the board shall conduct an
1.15 investigation as it considers necessary to determine the qualifications of the applicant. The
1.16 board may charge an applicant a reasonable fee to cover the cost of processing the application
1.17 and issuing a bail enforcement license.

1.18 Subd. 3. Disqualification. No person is qualified to hold a bail enforcement license who
1.19 has:

1.20 (1) been convicted of (i) a felony by the courts of this or any other state or of the United
1.21 States; (ii) acts which, if done in Minnesota, would be criminal sexual conduct; sex
1.22 trafficking; assault; domestic assault; stalking; harassment; theft; larceny; burglary; robbery;
1.23 unlawful entry; extortion; defamation; buying or receiving stolen property; using, possessing,

2.1 manufacturing, or carrying weapons unlawfully; using, possessing, or carrying burglary  
 2.2 tools unlawfully; escape; possession, production, sale, or distribution of narcotics unlawfully;  
 2.3 or (iii) in any other country acts which, if done in Minnesota, would be a felony or would  
 2.4 be any of the other offenses provided in this clause and for which a full pardon or similar  
 2.5 relief has not been granted;

2.6 (2) made any false statement in an application for a bail enforcement license or any  
 2.7 document required to be submitted to the board; or

2.8 (3) failed to demonstrate to the board good character, honesty, and integrity.

2.9 Subd. 4. **Definition.** For purposes of this section, “bail enforcement agent” means a  
 2.10 person who is hired, directed, or paid to arrest a defendant who fails to comply with the  
 2.11 terms of the defendant's bail.

2.12 Sec. 2. Minnesota Statutes 2016, section 629.63, is amended to read:

2.13 **629.63 SURETY ARREST OF DEFENDANT.**

2.14 If a surety believes that a defendant for whom the surety is acting as bonding agent (1)  
 2.15 is about to flee, (2) will not appear as required by the defendant's recognizance, or (3) will  
 2.16 otherwise not perform the conditions of the recognizance, the surety may arrest or have  
 2.17 another person or the sheriff arrest the defendant. A person working at the direction of a  
 2.18 surety to arrest a defendant must possess a valid bail enforcement agent license issued under  
 2.19 section 326.3351. The Department of Commerce must revoke a surety's insurance producer's  
 2.20 license if the surety directs a person without a valid bail enforcement agent license to arrest  
 2.21 a defendant.

2.22 If the surety or another person at the surety's direction arrests the defendant, the surety  
 2.23 or the other person shall take the defendant before the judge before whom the defendant  
 2.24 was required to appear and surrender the defendant to that judge.

2.25 If the surety wants the sheriff to arrest the defendant, the surety shall deliver a certified  
 2.26 copy of the recognizance under which the defendant is held to the sheriff, with a direction  
 2.27 endorsed on the recognizance requiring the sheriff to arrest the defendant and bring the  
 2.28 defendant before the appropriate judge.

2.29 Upon receiving a certified copy of the recognizance and payment of the sheriff's fees,  
 2.30 the sheriff shall arrest the defendant and bring the defendant before the judge.

2.31 Before a surety who has arrested a defendant who has violated the conditions of release  
 2.32 may personally surrender the defendant to the appropriate judge, the surety shall notify the

- 3.1 sheriff. If the defendant at the hearing before the judge is unable to post increased bail or
- 3.2 meet alternative conditions of release in accordance with rule 6.03 of the Rules of Criminal
- 3.3 Procedure, the sheriff or a deputy shall take the defendant into custody.