

# Beth Chapman

-President-

Professional Bail Agents of the United States

Dear Senator,

I am writing to express concern and opposition to the current language in HB508. I have worked in the bail industry for 30 years and have worked with many states when they have issues come up that need to be addressed by law. I completely understand the desire by the bill authors to ensure the safety of the public but the bill as written will cause serious problems which I will outline below.

1. Section 1 subsection (c): This subsection is in the description of a "Bail Enforcement Agent" and defines that a bail enforcement agent is someone who "Possess a valid Idaho enhanced license to carry concealed weapons as defined in section 18-302K, Idaho Code, or possess a valid enhanced license to carry concealed weapons issued by another state, which license is recognized by the Idaho attorney general."

**Issue: This basically states that in order to be considered a bail enforcement agent you have to get and keep a concealed carry permit. There are no other requirements to become an agent except this license.**

**The license does not guarantee that the person has any training to arrest or any education about the laws governing bail bonding. This would also force bail bondsmen who do not wish to have a conceal and carry license to get one.**

**Most bondmen and bail agents do not carry firearms and prefer to use equipment that will subdue a defendant rather than kill them. By forcing those assisting in recovery to carry firearms, you will create many more instances of defendants being shot or killed when they could have been subdued another way.**

**There is no use of force training included in the conceal and carry licensing process and any law enforcement officer will tell you the importance of training as to when to pull and use a firearm.**

**This provision is probably the most dangerous in the bill to the overall safety of the public because it forces people to carry guns who are not trained on how or when to use them while arresting someone. There is a big difference in using a firearm to defend yourself and using one while arresting someone.**

2. Section 1 subsection (4): This section defines the credentials that a person must have to be considered a bail enforcement agent. It states that the only license an individual would need is a concealed and carry license. It also limits any "badge" to a metal plate that is 2.7 inches in length and 2.5 inches in width.

**Issue: An Idaho enhanced license to carry concealed weapons does not qualify anyone to arrest an individual or provide training as to use of force. There should be no correlation between a conceal and carry license and bail enforcement.**

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**Many times in the course of apprehending a defendant you need to identify yourself as a bail enforcement agent to people you are trying to get information from as to the whereabouts of the defendant. Restricting the use of a "badge" to this tiny metal plate removes the legitimacy of the bail agent in trying to locate the bad guy. If all you have is a metal plate that says "Bail Enforcement Agent" and a conceal and carry license then how is the general public going to know that this person has a legal right to arrest the defendant. It would make more sense to prescribe a bail enforcement badge and make it unlawful for anyone, not authorized, to use that badge.**

**There are many situations when a bondsman or bail enforcement agent who has a badge can de-escalate a situation with a defendant because the defendant knows they are there to legally apprehend them. Additionally, requiring bail agents to have a badge makes it easier for law enforcement to identify them if they come across them during apprehension or if a member of the public sees an apprehension and calls 911.**

3. Section 2: This section seeks to define who can surrender a defendant before a forfeiture or what we call pre-breach. It limits the surrender to a licensed bondman only.

**Issue: There are many situations where a bondman feels they need to take a defendant into custody before they forfeit their bond. These could include when the bondman feels they are a flight risk or if they have not met the conditions of their release like checking in with the bondsman or making their payments. Many times bondsmen need bail enforcement agents with these pre-breach surrenders as much as they do after a forfeiture. This would greatly limit their ability to take someone into custody and place the bondsman at great risk if they have to go alone.**

With these issues under consideration, I am asking that you vote no on HB508 and allow industry professionals time to work with the authors to develop policy that will benefit the industry and meet the public safety needs of Idahoans. I have helped to develop policies like this in many states and am more than willing to help bring all stakeholders to the table to get good policy in place. Unfortunately, this bill as written will only cause more problems and place more people in greater harm. Thank you for your consideration.

Respectfully,

Beth Chapman  
President, Professional Bail Agents of the United States