

IN THE SENATE

SENATE BILL NO. 1256

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO BAIL ENFORCEMENT AGENTS; AMENDING SECTION 19-2914, IDAHO CODE,  
TO REVISE A PROVISION REGARDING AN AFFIDAVIT; AND AMENDING SECTION  
19-2914A, IDAHO CODE, TO REVISE A PROVISION REGARDING AN AFFIDAVIT.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 19-2914, Idaho Code, be, and the same is hereby  
amended to read as follows:

19-2914. ARREST OF DEFENDANT FOR SURRENDER. At any time before the ex-  
oneration of bail, the surety insurance company or its bail agent or the per-  
son posting a property bond or cash deposit may empower a bail enforcement  
agent to arrest the defendant at any place within the state by signing an af-  
fidavit extending such authority ~~in a form approved by the supreme court.~~

SECTION 2. That Section 19-2914A, Idaho Code, be, and the same is hereby  
amended to read as follows:

19-2914A. BAIL ENFORCEMENT AGENTS. (1) As used in this section, "bail  
enforcement agent" or "agent" means a person who:

(a) Is empowered to arrest or surrender a defendant at any time before  
the exoneration of bail; and

(b) Meets the requirements of this section.

(2) Requirements. An agent must:

(a) Be eighteen (18) years of age or older;

(b) Be a citizen or legal resident of the United States;

(c) Not have been adjudicated as having suffered from any of the follow-  
ing conditions, based on substantial evidence:

(i) Lacking mental capacity as defined in section 18-210, Idaho  
Code;

(ii) Mentally ill as defined in section 66-317, Idaho Code;

(iii) Gravely disabled as defined in section 66-317, Idaho Code;

or

(iv) An incapacitated person as defined in section 15-5-101,  
Idaho Code; and

(d) Not be a fugitive from justice.

(3) Required items and information. During an arrest pursuant to sec-  
tion 19-2914, Idaho Code, a bail enforcement agent must possess:

(a) An affidavit ~~in a form approved by the Idaho supreme court~~ extending  
the authority to arrest the defendant;

(b) The name, last known address, and photograph of the defendant;

(c) The name and principal address of the surety insurance company, its  
bail agent, or the person posting a property bond or cash deposit that is  
empowering the bail enforcement agent to arrest the defendant; and

- 1 (d) A valid driver's license or other photographic identifying docu-  
2 ment or information.
- 3 (4) Identification. A badge shall be worn by bail enforcement agents  
4 that is designed exclusively for bail enforcement agents. The badge must  
5 clearly delineate the title of "bail enforcement agent" directly on and be-  
6 low the badge.
- 7 (5) Notification to the sheriff. Prior to making a planned apprehen-  
8 sion, an agent must first provide notice to the county sheriff of the county  
9 within which the planned apprehension is to occur.
- 10 (6) Prohibitions. Upon appointment, until either revocation of ap-  
11 pointment or the exoneration of bail, an agent may not:
- 12 (a) Represent himself as a peace officer or an employee of any depart-  
13 ment of a federal, state, or local law enforcement agency;
- 14 (b) Wear any uniform that would represent the agent as a peace officer  
15 or an employee of any department of a federal, state, or local govern-  
16 ment;
- 17 (c) Use a fictitious name that would represent the agent as a peace of-  
18 ficer or an employee of a department of a federal, state, or local gov-  
19 ernment; or
- 20 (d) Carry a weapon, unless in compliance with all state and federal  
21 laws.
- 22 (7) Penalty. Any person who violates the provisions of subsection (2),  
23 (3), (4), or (5) of this section for the first offense shall be liable for a  
24 misdemeanor penalty of a fine not to exceed one thousand dollars (\$1,000).  
25 For any second or subsequent offense, the person shall be subject to a misde-  
26 meanor penalty not to exceed six (6) months in jail and a fine not to exceed  
27 one thousand dollars (\$1,000). Any person who fails to obtain authority from  
28 a surety insurance company or its bail agent, or the person posting a prop-  
29 erty bond or cash deposit in accordance with section 19-2914, Idaho Code, or  
30 a similar law of another state, or who attempts to arrest or surrender a de-  
31 fendant without meeting the requirements of subsection (2) of this section,  
32 or who violates the provisions of subsection (6) of this section, is guilty  
33 of a misdemeanor.
- 34 (8) Requirements for prosecution. Venue for prosecution for a viola-  
35 tion under the provisions of this section shall be in the county where the  
36 violation occurred, and such prosecution will be handled by the prosecuting  
37 attorney of such county. A prosecution for a violation of this section must  
38 be commenced within the time limitations set forth in section 19-403, Idaho  
39 Code.
- 40 (9) A bail agent who appoints a bail enforcement agent is required to  
41 keep a copy of the bail enforcement agent's appointment and may rely thereon  
42 that the bail enforcement agent has met the requirements of this section.