

105TH CONGRESS
2^D SESSION

S. 1637

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 8, 1998

Referred to the Committee on Judiciary

AN ACT

To expedite State review of criminal records of applicants for bail enforcement officer employment, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Bounty Hunter Ac-
5 countability and Quality Assistance Act of 1998”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) bounty hunters, also known as bail enforce-
4 ment officers or recovery agents, provide law en-
5 forcement officers and the courts with valuable as-
6 sistance in recovering fugitives from justice;

7 (2) regardless of the differences in their duties,
8 skills, and responsibilities, the public has had dif-
9 ficulty in discerning the difference between law en-
10 forcement officers and bounty hunters;

11 (3) the availability of bail as an alternative to
12 the pretrial detention or unsecured release of crimi-
13 nal defendants is important to the effective function-
14 ing of the criminal justice system;

15 (4) the safe and timely return to custody of fu-
16 gitives who violate bail contracts is an important
17 matter of public safety, as is the return of any other
18 fugitive from justice;

19 (5) bail bond agents are widely regulated by the
20 States, whereas bounty hunters are largely unregu-
21 lated;

22 (6) the public safety requires the employment of
23 qualified, well-trained bounty hunters; and

24 (7) in the course of their duties, bounty hunters
25 often move in and affect interstate commerce.

1 **SEC. 3. DEFINITIONS.**

2 In this Act—

3 (1) the term “bail bond agent” means any re-
4 tail seller of a bond to secure the release of a crimi-
5 nal defendant pending judicial proceedings, unless
6 such person also is self-employed to obtain the recov-
7 ery of any fugitive from justice who has been re-
8 leased on bail;

9 (2) the term “bounty hunter”—

10 (A) means any person whose services are
11 engaged, either as an independent contractor or
12 as an employee of a bounty hunter employer, to
13 obtain the recovery of any fugitive from justice
14 who has been released on bail; and

15 (B) does not include any—

16 (i) law enforcement officer acting
17 under color of law;

18 (ii) attorney, accountant, or other pro-
19 fessional licensed under applicable State
20 law;

21 (iii) employee whose duties are pri-
22 marily internal audit or credit functions;

23 (iv) person while engaged in the per-
24 formance of official duties as a member of
25 the Armed Forces on active duty (as de-

1 fined in section 101(d)(1) of title 10,
 2 United States Code); or

3 (v) bail bond agent;

4 (3) the term “bounty hunter employer”—

5 (A) means any person that—

6 (i) employs 1 or more bounty hunters;

7 or

8 (ii) provides, as an independent con-
 9 tractor, for consideration, the services of 1
 10 or more bounty hunters (which may in-
 11 clude the services of that person); and

12 (B) does not include any bail bond agent;

13 and

14 (4) the term “law enforcement officer” means
 15 a public officer or employee authorized under appli-
 16 cable Federal or State law to conduct or engage in
 17 the prevention, investigation, prosecution, or adju-
 18 dication of criminal offenses, including any public of-
 19 ficer or employee engaged in corrections, parole, or
 20 probation functions, or the recovery of any fugitive
 21 from justice.

22 **SEC. 4. MODEL GUIDELINES.**

23 (a) IN GENERAL.—Not later than 180 days after the
 24 date of enactment of this Act, the Attorney General shall
 25 develop model guidelines for the State control and regula-

1 tion of persons employed or applying for employment as
2 bounty hunters. In developing such guidelines, the Attor-
3 ney General shall consult with organizations represent-
4 ing—

- 5 (1) State and local law enforcement officers;
- 6 (2) State and local prosecutors;
- 7 (3) the criminal defense bar;
- 8 (4) bail bond agents;
- 9 (5) bounty hunters; and
- 10 (6) corporate sureties.

11 (b) RECOMMENDATIONS.—The guidelines developed
12 under subsection (a) shall include recommendations of the
13 Attorney General regarding whether—

14 (1) a person seeking employment as a bounty
15 hunter should—

16 (A) be required to submit to a fingerprint-
17 based criminal background check prior to enter-
18 ing into the performance of duties pursuant to
19 employment as a bounty hunter; or

20 (B) not be allowed to obtain such employ-
21 ment if that person has been convicted of a fel-
22 ony offense under Federal or State law;

23 (2) bounty hunters and bounty hunter employ-
24 ers should be required to obtain adequate liability in-
25 surance for actions taken in the course of perform-

1 ing duties pursuant to employment as a bounty
2 hunter; and

3 (3) State laws should provide—

4 (A) for the prohibition on bounty hunters
5 entering any private dwelling, unless the bounty
6 hunter first knocks on the front door and an-
7 nounces the presence of 1 or more bounty hunt-
8 ers; and

9 (B) the official recognition of bounty hunt-
10 ers from other States.

11 (c) EFFECT ON BAIL.—The guidelines published
12 under subsection (a) shall include an analysis of the esti-
13 mated effect, if any, of the adoption of the guidelines by
14 the States on—

15 (1) the cost and availability of bail; and

16 (2) the bail bond agent industry.

17 (d) NO REGULATORY AUTHORITY.—Nothing in this
18 section may be construed to authorize the promulgation
19 of any Federal regulation relating to bounty hunters,
20 bounty hunter employers, or bail bond agents.

- 1 (e) PUBLICATION OF GUIDELINES.—The Attorney
2 General shall publish model guidelines developed pursuant
3 to subsection (a) in the Federal Register.

Passed the Senate October 7 (legislative day, October 2), 1998.

Attest:

GARY SISCO,
Secretary.