

106TH CONGRESS
1ST SESSION

H. R. 2964

To clarify that bail bond sureties and bounty hunters are subject to both civil and criminal liability for violations of Federal rights under existing Federal civil rights law, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 1999

Mr. HUTCHINSON (for himself, Mr. CANADY of Florida, Ms. LOFGREN, Mr. SHADEGG, Mr. ALLEN, Mr. HASTINGS of Florida, Mrs. NORTHUP, and Mr. PICKETT) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To clarify that bail bond sureties and bounty hunters are subject to both civil and criminal liability for violations of Federal rights under existing Federal civil rights law, 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 Re-
5 sponsibility Act of 1999”.

1 **SEC. 2. CLARIFICATION OF APPLICATION OF CIVIL RIGHTS**
2 **LAWS.**

3 (a) IN GENERAL.—For purposes of section 1979 of
4 the Revised Statutes of the United States (42 U.S.C.
5 1983), section 242 of title 18, United States Code, and
6 other Acts of Congress providing civil or criminal liability
7 for the deprivation of Federally protected rights under
8 color of any statute, ordinance, regulation, custom, or
9 usage, of a State—

10 (1) a surety on a bail bond;

11 (2) an agent of such surety; or

12 (3) any bounty hunter;

13 seeking to obtain or exercise custody over a person admit-
14 ted to bail under the laws of a State is acting under color
15 of a statute, ordinance, regulation, custom, or usage of
16 that State.

17 (b) AGENCY RELATIONSHIP.—

18 (1) GENERALLY.—For the purposes of sub-
19 section (a), a bounty hunter, if acting as an inde-
20 pendent contractor or an employee of a surety, is an
21 agent of that surety.

22 (2) EXCEPTIONS.—A surety or agent is not re-
23 sponsible for the conduct of the bounty hunter if the
24 surety or agent takes all reasonable steps to assure
25 that the bounty hunter is licensed in a State that re-
26 quires licenses for bounty hunters, or is licensed as

1 a private investigator in a State requiring such li-
2 censes.

3 (c) ATTORNEY FEES.—If the court finds that a civil
4 action under this section based on the conduct of a bounty
5 hunter is frivolous or has been brought in bad faith, the
6 court shall order the plaintiff to pay the defendant’s rea-
7 sonable attorneys’ fees and other litigation costs.

8 **SEC. 3. NOTIFICATION TO LAW ENFORCEMENT.**

9 It shall be the duty of each surety on a bail bond,
10 each agent of such surety, and each bounty hunter, who,
11 in a State, personally seeks to obtain or exercise custody
12 over a person admitted to bail outside that State, before
13 commencing activities in that State, to inform the local
14 law enforcement agency of the presence of such surety,
15 agent, or bounty hunter, and of the intention of that sur-
16 ety, agent, or bounty hunter to seek to obtain or exercise
17 custody over that person. This requirement does not pre-
18 empt any additional requirements imposed on any such
19 surety, agent, or bounty hunter by such State.

20 **SEC. 4. MODEL GUIDELINES.**

21 (a) IN GENERAL.—Not later than 180 days after the
22 date of enactment of this Act, the Attorney General shall
23 publish in the Federal Register model guidelines for the
24 State control and regulation of persons employed or apply-
25 ing for employment as bounty hunters. In developing such

1 guidelines, the Attorney General shall consult with organi-
2 zations representing—

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

9 (b) RECOMMENDATIONS.—The guidelines published
10 under subsection (a) shall include recommendations of the
11 Attorney General regarding whether a person seeking em-
12 ployment as a bounty hunter should be—

13 (1) allowed to obtain such employment if that
14 person has been convicted of a felony offense or an
15 offense of moral turpitude under Federal law, or of
16 any offense under State law that would be a felony
17 or an offense of moral turpitude if charged under
18 Federal law;

19 (2) required to obtain adequate liability insur-
20 ance for actions taken in the course of performing
21 duties pursuant to employment as a bounty hunter;

22 (3) prohibited from obtaining employment as a
23 bounty hunter if the individual has been declared
24 mentally incompetent by a court;

1 (4) required to complete successfully a State
2 approved basic certification course in the criminal
3 justice system;

4 (5) required to complete successfully a handgun
5 training course; or

6 (6) required to submit to a fingerprint-based
7 criminal background check prior to entering into
8 performance of duties pursuant to employment as a
9 bounty hunter.

10 **SEC. 5. DEFINITIONS.**

11 As used in this Act—

12 (1) the term “bounty hunter” means a person,
13 other than a public official engaging in official du-
14 ties, who, for compensation or a reward from a sur-
15 ety on a bail bond or an agent of such a surety,
16 seeks to obtain or exercise custody over another per-
17 son for purposes of criminal judicial proceedings;
18 and

19 (2) the term “State” includes any territory or
20 possession of the United States and the District of
21 Columbia.

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