

106TH CONGRESS  
1ST SESSION

# S. 1083

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

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IN THE SENATE OF THE UNITED STATES

MAY 19, 1999

Mr. TORRICELLI (for himself and Mr. KOHL) introduced the following bill;  
which was read twice and referred to the Committee on the Judiciary

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## A BILL

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 1999”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) bail enforcement officers, also known as  
9 bounty hunters or recovery agents, provide law en-

1 enforcement officers with valuable assistance in recover-  
2 ing fugitives from justice;

3 (2) regardless of the differences in their duties,  
4 skills, and responsibilities, the public has had dif-  
5 ficulty in discerning the difference between law en-  
6 forcement officers and bail enforcement officers;

7 (3) the American public demands the employ-  
8 ment of qualified, well-trained bail enforcement offi-  
9 cers as an adjunct, but not a replacement for, law  
10 enforcement officers; and

11 (4) in the course of their duties, bail enforce-  
12 ment officers often move in and affect interstate  
13 commerce.

14 **SEC. 3. DEFINITIONS.**

15 In this Act—

16 (1) the term “bail enforcement employer”  
17 means any person that—

18 (A) employs 1 or more bail enforcement of-  
19 ficers; or

20 (B) provides, as an independent con-  
21 tractor, for consideration, the services of 1 or  
22 more bail enforcement officers (which may in-  
23 clude the services of that person);

24 (2) the term “bail enforcement officer”—

1 (A) means any person employed to obtain  
 2 the recovery of any fugitive from justice who  
 3 has been released on bail; and

4 (B) does not include any—

5 (i) law enforcement officer;

6 (ii) attorney, accountant, or other pro-  
 7 fessional licensed under applicable State  
 8 law;

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

11 (iv) member of the Armed Forces on  
 12 active duty; and

13 (3) the term “law enforcement officer” means  
 14 a public servant authorized under applicable State  
 15 law to conduct or engage in the prevention, inves-  
 16 tigation, prosecution, or adjudication of criminal of-  
 17 fenses, including any public servant engaged in cor-  
 18 rections, parole, or probation functions.

19 **SEC. 4. BACKGROUND CHECKS.**

20 (a) IN GENERAL.—

21 (1) SUBMISSION.—An association of bail en-  
 22 forcement employers, which shall be designated for  
 23 the purposes of this section by the Attorney General,  
 24 may submit to the Attorney General fingerprints or  
 25 other methods of positive identification approved by

1 the Attorney General, on behalf of any applicant for  
2 a State license or certificate of registration as a bail  
3 enforcement officer or a bail enforcement employer.

4 (2) EXCHANGE.—In response to a submission  
5 under paragraph (1), the Attorney General may, to  
6 the extent provided by State law conforming to the  
7 requirements of the second paragraph under the  
8 heading “Federal Bureau of Investigation” and the  
9 subheading “Salaries and Expenses” in title II of  
10 Public Law 92–544 (86 Stat. 1115), exchange, for  
11 licensing and employment purposes, identification  
12 and criminal history records with the State govern-  
13 mental agencies to which the applicant has applied.

14 (b) REGULATIONS.—The Attorney General may pro-  
15 mulgate such regulations as may be necessary to carry out  
16 this section, including measures relating to the security,  
17 confidentiality, accuracy, use, and dissemination of infor-  
18 mation submitted or exchanged under subsection (a) and  
19 to audits and recordkeeping requirements relating to that  
20 information.

21 (c) REPORT.—Not later than 2 years after the date  
22 of enactment of this Act, the Attorney General shall sub-  
23 mit to the Committees on the Judiciary of the Senate and  
24 the House of Representatives a report on the number of  
25 submissions made by the association of bail enforcement

1 employers under subsection (a)(1), and the disposition of  
2 each application to which those submissions related.

3 (d) STATE PARTICIPATION.—It is the sense of Con-  
4 gress that each State should participate, to the maximum  
5 extent practicable, in any exchange with the Attorney Gen-  
6 eral under subsection (a)(2).

7 **SEC. 5. MODEL GUIDELINES.**

8 (a) IN GENERAL.—Not later than 180 days after the  
9 date of enactment of this Act, the Attorney General shall  
10 publish in the Federal Register model guidelines for the  
11 State control and regulation of persons employed or apply-  
12 ing for employment as bail enforcement officers.

13 (b) RECOMMENDATIONS.—The guidelines published  
14 under subsection (a) shall include recommendations of the  
15 Attorney General regarding whether a person seeking em-  
16 ployment as a bail enforcement officer should be—

17 (1) allowed to obtain such employment if that  
18 person has been convicted of a felony offense under  
19 Federal law, or of any offense under State law that  
20 would be a felony if charged under Federal law;

21 (2) required to obtain adequate liability insur-  
22 ance for actions taken in the course of performing  
23 duties pursuant to employment as a bail enforce-  
24 ment officer; or

1           (3) prohibited, if acting in the capacity of that  
 2           person as a bail enforcement officer, from entering  
 3           any private dwelling, unless that person first knocks  
 4           on the front door and announces the presence of 1  
 5           or more bail enforcement officers.

6           (c) BYRNE GRANT PREFERENCE FOR CERTAIN  
 7 STATES.—

8           (1) IN GENERAL.—Section 505 of title I of the  
 9           Omnibus Crime Control and Safe Streets Act of  
 10          1968 (42 U.S.C. 3755) is amended by adding at the  
 11          end the following:

12          “(e) PREFERENCE FOR CERTAIN STATES.—Notwith-  
 13          standing any other provision of this part, in making grants  
 14          to States under this subpart, the Director shall give pri-  
 15          ority to States that have adopted the model guidelines  
 16          published under section 5(a) of the Bounty Hunter Ac-  
 17          countability and Quality Assistance Act of 1999.”.

18          (2) EFFECTIVE DATE.—The amendment made  
 19          by paragraph (1) shall take effect 2 years after the  
 20          date of enactment of this Act.

21 **SEC. 6. JOINT AND SEVERAL LIABILITY FOR ACTIVITIES OF**  
 22 **BAIL ENFORCEMENT OFFICERS.**

23          Notwithstanding any other provision of law, a bail en-  
 24          forcement officer, whether acting as an independent con-  
 25          tractor or as an employee of a bail enforcement employer

1 on a bail bond, shall be considered to be the agent of that  
2 bail enforcement employer for the purposes of that liabil-  
3 ity.

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