

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC SAFETY BILL)

A BILL FOR

1 An Act relating to insurance companies acting as surety for
2 bail bonds, including licensure requirements to act as a
3 bail enforcement agent or business.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 80A.2, subsection 3, Code 2024, is
2 amended to read as follows:

3 3. A person employed full or part-time by one employer
4 in connection with the affairs of the employer, except for a
5 person employed by a surety licensed pursuant to chapter 811
6 who is acting as a bail enforcement agent.

7 Sec. 2. Section 811.3, subsection 1, Code 2024, is amended
8 to read as follows:

9 1. a. Insurance companies doing business in this state
10 under the provisions of section 515.48, subsection 2, may
11 act as surety. Resident owners of property ~~which~~ that is
12 located within the state and ~~which~~ that is worth the amount
13 specified in the undertaking, may act as surety, and must in
14 all cases justify by an affidavit taken before an officer
15 authorized to administer oaths that such surety possesses such
16 qualifications.

17 b. A company acting as surety shall not engage in conduct or
18 activities substantially similar to those of a bail enforcement
19 agent or bail enforcement business, as those terms are
20 defined in section 80A.1, without receiving a license from the
21 department of public safety as specified in chapter 80A.

22 Sec. 3. Section 811.8, subsection 1, Code 2024, is amended
23 to read as follows:

24 1. At any time before the forfeiture of the undertaking,
25 the surety may surrender the defendant, or the defendant may
26 surrender, to the officer to whose custody the defendant was
27 committed at the time of giving bail, and such officer shall
28 detain the defendant as upon a commitment and must, upon
29 such surrender and the receipt of a certified copy of the
30 undertaking of bail, acknowledge the surrender by a certificate
31 in writing. A company acting as surety shall not engage in
32 conduct or activities substantially similar to those of a bail
33 enforcement agent or bail enforcement business, as those terms
34 are defined in section 80A.1, without receiving a license from
35 the department of public safety as specified in chapter 80A.

1 any time before the forfeiture of the undertaking. However,
2 the bill provides that a company acting as surety shall not
3 engage in conduct or activities substantially similar to those
4 of a bail enforcement agent or bail enforcement business,
5 as those terms are defined in Code section 80A.1, without
6 receiving a license from the department of public safety as
7 specified in Code chapter 80A.

8 The bill strikes Code section 811.12(2)(d), which currently
9 provides that a bail enforcement agent exempt from licensing
10 requirements is authorized to apprehend, detain, or arrest a
11 principal on a bail bond, wherever issued. The bill provides
12 that a person is not authorized to detain, apprehend, or
13 arrest a principal on a bail bond without being licensed or
14 registered.