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:

S.F. H.F.

- 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  $\tau$  may act as surety  $\tau$  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:
- 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.

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1 Sec. 4. Section 811.12, subsection 2, paragraph d, Code

- 2 2024, is amended by striking the paragraph.
- 3 EXPLANATION
- 4 The inclusion of this explanation does not constitute agreement with
- 5 the explanation's substance by the members of the general assembly.
- 6 This bill relates to insurance companies acting as surety
- 7 for bail bonds, including licensure requirements to act as a
- 8 bail enforcement agent or business.
- 9 The bill provides that the requirements of Code chapter 80A
- 10 (private investigative agencies and security agencies) do not
- 11 apply to a person employed full or part-time by one employer
- 12 in connection with the affairs of the employer, except for a
- 13 person employed by a surety licensed pursuant to Code chapter
- 14 811 who is acting as a bail enforcement agent.
- 15 Current law provides that insurance companies doing business
- 16 in Iowa under the provisions of Code section 515.48(2) may act
- 17 as surety to insure the fidelity of bail bonds in criminal
- 18 cases.
- 19 The bill provides that a company acting as surety shall
- 20 not engage in conduct or activities substantially similar to
- 21 those of a bail enforcement agent or bail enforcement business,
- 22 as those terms are defined in Code section 80A.1, without
- 23 receiving a license from the department of public safety as
- 24 specified in Code chapter 80A. Bail enforcement agent is
- 25 defined as a person engaged in the bail enforcement business,
- 26 including licensees and persons engaged in the bail enforcement
- 27 business whose principal place of business is in a state other
- 28 than Iowa. "Bail enforcement business" means the business of
- 29 taking or attempting to take into custody the principal on a
- 30 bail bond issued or a deposit filed in relation to a criminal
- 31 proceeding to assure the presence of the defendant at trial,
- 32 but does not include such actions that are undertaken by a
- 33 peace officer or a law enforcement officer in the course of the
- 34 officer's official duties.
- 35 Current law allows the surety to surrender the defendant at

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- 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
- ll 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.