

Senate File 2173 - Introduced

SENATE FILE 2173
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3024)

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 Sec. 4. Section 811.8, subsection 3, Code 2024, is amended
2 by striking the subsection.

3 Sec. 5. Section 811.12, subsection 2, paragraph d, Code
4 2024, is amended by striking the paragraph.

5 EXPLANATION

6 The inclusion of this explanation does not constitute agreement with
7 the explanation's substance by the members of the general assembly.

8 This bill relates to insurance companies acting as surety
9 for bail bonds, including licensure requirements to act as a
10 bail enforcement agent or business.

11 The bill provides that the requirements of Code chapter 80A
12 (private investigative agencies and security agencies) do not
13 apply to a person employed full or part-time by one employer
14 in connection with the affairs of the employer, except for a
15 person employed by a surety licensed pursuant to Code chapter
16 811 who is acting as a bail enforcement agent.

17 Current law provides that insurance companies doing business
18 in Iowa under the provisions of Code section 515.48(2) may act
19 as surety to insure the fidelity of bail bonds in criminal
20 cases.

21 The bill provides that a company acting as surety shall
22 not engage in conduct or activities substantially similar to
23 those of a bail enforcement agent or bail enforcement business,
24 as those terms are defined in Code section 80A.1, without
25 receiving a license from the department of public safety as
26 specified in Code chapter 80A. Bail enforcement agent is
27 defined as a person engaged in the bail enforcement business,
28 including licensees and persons engaged in the bail enforcement
29 business whose principal place of business is in a state other
30 than Iowa. "Bail enforcement business" means the business of
31 taking or attempting to take into custody the principal on a
32 bail bond issued or a deposit filed in relation to a criminal
33 proceeding to assure the presence of the defendant at trial,
34 but does not include such actions that are undertaken by a
35 peace officer or a law enforcement officer in the course of the

1 officer's official duties.

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

10 The bill strikes Code section 811.8(3), which currently
11 provides that a surety, for purposes of surrendering a
12 defendant, may arrest the defendant or, by written authority
13 endorsed on a certified copy of the undertaking, may empower
14 another suitable person to make the arrest.

15 The bill strikes Code section 811.12(2)(d), which currently
16 provides that a bail enforcement agent exempt from licensing
17 requirements is authorized to apprehend, detain, or arrest a
18 principal on a bail bond, wherever issued. The bill provides
19 that a person is not authorized to detain, apprehend, or
20 arrest a principal on a bail bond without being licensed or
21 registered.