

1 HOUSE BILL NO. 62
2 INTRODUCED BY B. MERCER, R. LYNCH
3 BY REQUEST OF THE STATE AUDITOR
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO BAIL BONDS;
6 CREATING A SURETY BAIL BOND INSURANCE LICENSE; PROVIDING FOR APPLICATION AND
7 TRAINING REQUIREMENTS FOR A SURETY BAIL BOND INSURANCE LICENSE; PROVIDING ARREST
8 AUTHORITY TO A SURETY BAIL BOND INSURANCE PROVIDER; AMENDING SECTIONS 33-17-212, 33-
9 26-108, 46-9-401, AND 46-9-510, MCA; AND PROVIDING EFFECTIVE DATES."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12

13 NEW SECTION. **Section 1. Special qualifications for surety bail bond insurance license.** (1)

14 Before approving an application for a surety bail bond insurance license, the commissioner shall verify that the
15 individual:

- 16 (a) is a natural person at least 21 years of age;
17 (b) is a citizen of the United States or is lawfully entitled to remain and work in the United States;
18 (c) has obtained a high school diploma, a general equivalency diploma or equivalent document, or
19 an equivalent education as determined by the commissioner;
20 (d) has complied with the requirements of 33-17-211; AND
21 ~~(e) has submitted to the commissioner the results of an examination conducted by a psychiatrist or~~
22 ~~a psychologist licensed to practice in this state that indicate that the individual does not suffer from a~~
23 ~~psychological condition that would adversely affect the ability of the individual to carry out the individual's duties~~
24 ~~as a surety bail bond agent;~~
25 ~~(f) has submitted to the commissioner the results of a test to detect the presence of a controlled~~
26 ~~substance in the system of the individual that was administered no earlier than 30 days before the date of the~~
27 ~~application for the license and is negative for the indication of the presence of any controlled substance for~~

Amendment - 2nd Reading-yellow - Requested by: Steve Gunderson - (H) Committee of the Whole

68th Legislature

Drafter: Jameson Walker, 406-444-3722

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1 ~~which the individual does not possess a current and lawful prescription issued in the name of the individual ;~~

2 ~~and~~

3 ~~(g)(E)~~ has successfully completed the training required in [section 2].

4 (2) An individual may not receive, renew, or hold a surety bail bond license if the individual:

5 (a) has been convicted of a felony in this state or of any offense committed in another state that
6 would be a felony if committed in this state; or

7 (b) has been convicted of an offense involving ~~moral turpitude~~ dishonesty, a breach of trust,
8 violence, threatened violence, or the unlawful use, sale, or possession of a controlled substance.

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10 **NEW SECTION. Section 2. Surety bail bond insurance license -- basic course of training --**
11 **temporary license.** (1) Except as otherwise provided in this section, an applicant for a surety bail bond
12 insurance license shall satisfactorily complete a basic course of training for bail enforcement agents that is
13 approved by the commissioner.

14 (2) The basic course of training must consist of at least 40 hours of training that includes
15 instruction in:

16 (a) the following areas of the law:

17 (i) constitutional law;

18 (ii) procedures for arresting a defendant and surrendering a defendant into custody;

19 (iii) civil liability;

20 (iv) the civil rights of a person who is detained in custody;

21 (v) the use of force; and

22 (vi) the history and principles of bail;

23 (b) procedures for field operations, including without limitation:

24 (i) handling a person with mental illness or a person who is under the influence of alcohol or a
25 controlled substance; and

26 (ii) the care and custody of a prisoner;

27 (c) the skills required of bail enforcement agents, including without limitation: