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By: **Delegates Hutchins, Owings, O'Donnell, M. Burns, and Genn**

Introduced and read first time: January 28, 1998

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Bounty Hunters - Licensing and Certification**

3 FOR the purpose of requiring persons who are bounty hunters to obtain a license and  
4 certification as a private detective under certain circumstances; providing that  
5 the same requirements, prohibitions, and penalties that apply to private  
6 detectives apply to bounty hunters who are required to be licensed and certified  
7 as private detectives; providing that individuals and persons acting as bounty  
8 hunters are not subject to the licensing or certification requirements until a  
9 certain date; adding and altering certain definitions; and generally relating to  
10 the licensing and certification of bounty hunters.

11 BY repealing and reenacting, with amendments,  
12 Article - Business Occupations and Professions  
13 Section 13-101  
14 Annotated Code of Maryland  
15 (1995 Replacement Volume and 1997 Supplement)

16 BY repealing and reenacting, without amendments,  
17 Article - Business Occupations and Professions  
18 Section 13-301, 13-302, 13-303, 13-304, 13-306(a)(1), 13-401 through 13-405,  
19 13-603, 13-604, 13-701, and 13-707  
20 Annotated Code of Maryland  
21 (1995 Replacement Volume and 1997 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article - Business Occupations and Professions**

25 13-101.

26 (a) In this title the following words have the meanings indicated.

27 (B) (1) "BOUNTY HUNTER" MEANS A PERSON WHO ENGAGES IN THE  
28 BUSINESS OF APPREHENDING FUGITIVES FROM JUSTICE.

1 (2) "BOUNTY HUNTER" DOES NOT INCLUDE:

2 (I) A FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT OFFICER;

3 (II) A SPECIAL POLICE OFFICER OR OTHER INDIVIDUAL  
4 AUTHORIZED BY LAW TO ENFORCE THE CRIMINAL LAW AND MAKE ARRESTS;

5 (III) A BAIL BONDSMAN, SURETY INSURER, OR SURETY WHO  
6 EXECUTES BAIL BONDS, AND WHO:

7 1. HAS EXECUTED A BAIL BOND FOR A DEFENDANT; AND

8 2. IS ATTEMPTING TO APPREHEND THE DEFENDANT SOLELY  
9 BASED ON THE BAIL BOND APPLICATION COMPLETED BY THE DEFENDANT FOR  
10 PURPOSES OF APPLYING TO THE BAIL BONDSMAN, SURETY INSURER, OR SURETY TO  
11 EXECUTE THE BAIL BOND; AND

12 (IV) AN EMPLOYEE OR AUTHORIZED AGENT OF A PERSON  
13 DESCRIBED IN ITEM (III) OF THIS PARAGRAPH.

14 [(b)] (C) "Certification card" means a card issued by the Secretary under §  
15 13-406 of this title to an individual certified as a private detective.

16 [(c)] (D) "Firm" means a partnership or corporation.

17 [(d)] (E) "Firm member" means a partner of a partnership or an officer or  
18 director of a corporation.

19 [(e)] (F) "License" means, unless the context requires otherwise, a license  
20 issued by the Secretary to conduct a business to provide private detective services.

21 [(f)] (G) "Licensed private detective agency" means, unless the context  
22 requires otherwise, a person who is licensed by the Secretary to conduct a business  
23 that provides private detective services.

24 [(g)] (H) "Private detective" means an individual who personally provides  
25 private detective services.

26 [(h)] (I) "Private detective agency" means a person who conducts a business  
27 that provides private detective services.

28 [(i)] (J) (1) "Provide private detective services" means to provide, for  
29 compensation, the service of:

30 (i) conducting an investigation that concerns:

31 1. a crime or wrong committed, assumed to have been  
32 committed, or threatened to be committed;

33 2. the identity, habits, conduct, movement, location,  
34 affiliations, associations, transactions, reputation, or character of any person;

- 1 3. the credibility of a witness or of any other individual;
- 2 4. the location of a missing individual;
- 3 5. the location or recovery of lost or stolen property;
- 4 6. the origin or cause of or responsibility for:
  - 5 A. a fire;
  - 6 B. an accident;
  - 7 C. any damage to or loss of property; or
  - 8 D. an injury to an individual;
- 9 7. the affiliation, connection, or relation of any person with  
10 an organization or other person; or
- 11 8. the activities, conduct, efficiency, loyalty, or honesty of any  
12 employee, agent, contractor, or subcontractor;

13 (ii) securing evidence for use before any investigating committee,  
14 board of award, or board of arbitration or for use in the trial of any civil or criminal  
15 cause; or

16 (iii) nonuniformed personal protection.

17 (2) "PROVIDE PRIVATE DETECTIVE SERVICES" INCLUDES ACTING AS A  
18 BOUNTY HUNTER.

19 [(2)] (3) "Provide private detective services" does not include:

20 (i) performing any activity of a person who is engaged exclusively  
21 in the business of making investigations and reports that relate to the financial  
22 standing, creditworthiness, or financial responsibility of any person;

23 (ii) performing any activity of a person who is engaged exclusively  
24 in the business of making a report for an insurance or credit purpose, except if the  
25 making of the report involves an investigation or surveillance of a sort normally  
26 performed by a person who otherwise is subject to this title;

27 (iii) monitoring an electronically controlled burglar or fire alarm  
28 system with a central unit; or

29 (iv) making a marketing survey.

30 [(j)] (K) "Representative member" means a firm member who is appointed  
31 under § 13-302(b) of this title to act on behalf of the firm.

32 [(k)] (L) "Secretary" means the Secretary of the State Police.

1 13-301.

2 (a) Except as otherwise provided in this title, a person shall be licensed by the  
3 Secretary as a private detective agency before the person may conduct a business that  
4 provides private detective services in the State.

5 (b) An individual or a firm may qualify for a license as a private detective  
6 agency.

7 13-302.

8 (a) To qualify for a license, an applicant shall meet the requirements of this  
9 section.

10 (b) If the applicant is a firm, the firm shall appoint a firm member as the  
11 representative member to make the application on behalf of the firm.

12 (c) (1) If the applicant is an individual, the applicant shall be of good  
13 character and reputation.

14 (2) If the applicant is a firm, each firm member shall be of good  
15 character and reputation.

16 (d) The individual applicant or the representative member shall be at least 25  
17 years old.

18 (e) The applicant shall meet the experience requirements of § 13-303 of this  
19 subtitle.

20 13-303.

21 (a) In this section, "organized police agency" means:

22 (1) a police department of the State or of a county or municipal  
23 corporation of the State;

24 (2) a private police department that is allowed to enroll its officers in  
25 approved Police Training Commission schools and academies; or

26 (3) a law enforcement agency of the United States, of any state, or of any  
27 county or municipal corporation of any state.

28 (b) An individual applicant or, if the applicant is a firm, the representative  
29 member shall have:

30 (1) at least 5 years of experience as a full-time certified or licensed  
31 private detective;

32 (2) at least:

- 1 (i) 5 years of experience as a full-time police officer with an  
2 organized police agency; and
- 3 (ii) completed successfully the police officer training course of the  
4 Police Training Commission;
- 5 (3) at least 3 years of experience in an investigative capacity as a  
6 detective while serving as a police officer with an organized police agency;
- 7 (4) at least:
- 8 (i) 3 years of experience in an investigative capacity in any unit of  
9 the United States, of the State, or of a county or municipal corporation of the State for  
10 the purpose of law enforcement; and
- 11 (ii) completed successfully the police officer training required by  
12 the Police Training Commission; or
- 13 (5) at least:
- 14 (i) 5 years of experience as a full-time fire investigator for a fire  
15 department or law enforcement agency of the State or of a county or municipal  
16 corporation of the State; and
- 17 (ii) completed successfully the training certified by the Police  
18 Training Commission or the Maryland Fire-Rescue Education and Training  
19 Commission.

20 13-304.

- 21 (a) (1) An applicant for a license shall:
- 22 (i) submit to the Secretary an application on the form that the  
23 Secretary provides;
- 24 (ii) submit the documents required under this section; and
- 25 (iii) pay to the Secretary the fees required under subsection (b) of  
26 this section.
- 27 (2) If the applicant is a firm, the representative member shall complete  
28 the application form and otherwise be responsible for the firm's compliance with this  
29 section.
- 30 (b) (1) An applicant for a license shall pay to the Secretary an application  
31 fee of:
- 32 (i) \$200, if the applicant is an individual; or
- 33 (ii) \$375, if the applicant is a firm.

- 1                   (2)   (i)    As part of the application for a license, the applicant shall  
2 submit to the Secretary:
- 3                                   1.       a complete set of the applicant's legible fingerprints taken  
4 on standard fingerprint cards; and
- 5                                   2.       payment for the cost of the fingerprint card record checks.
- 6                   (ii)   If the applicant is a firm, the applicant shall pay the cost of the  
7 fingerprint card record checks for each firm member.
- 8   (c)   (1)    If the applicant is an individual, the application form provided by the  
9 Secretary shall require:
- 10                   (i)     the name of the applicant;
- 11                   (ii)    the age of the applicant;
- 12                   (iii)   the address of the applicant; and
- 13                   (iv)   the current and previous employment of the applicant.
- 14                   (2)   If the applicant is a firm, the application form provided by the  
15 Secretary shall require:
- 16                   (i)     a list of all of the firm members; and
- 17                   (ii)    for each firm member, the same information required regarding  
18 an individual applicant under paragraph (1) of this subsection.
- 19                   (3)   For all applicants, the application form shall require:
- 20                   (i)     the address of the applicant's proposed principal place of  
21 business and of each proposed branch office;
- 22                   (ii)    any trade or fictitious name that the applicant intends to use  
23 while conducting the business of the private detective agency;
- 24                   (iii)   the submission of a facsimile of any trademark that the  
25 applicant intends to use while conducting the business of the private detective  
26 agency; and
- 27                   (iv)   as the Secretary considers appropriate, any other information to  
28 assist in the evaluation of:
- 29                                   1.       an individual applicant; or
- 30                                   2.       if the applicant is a firm, any firm member.
- 31   (d)   The application form provided by the Secretary shall contain a statement  
32 advising the applicant that willfully making a false statement on an application is a

1 misdemeanor, subject to a fine or imprisonment or both, as provided under §§ 13-705  
2 and 13-707 of this title.

3 (e) (1) If the applicant is an individual, the application form shall be signed,  
4 under oath, by the individual.

5 (2) If the applicant is a firm, the application form shall be signed, under  
6 oath, by the representative member, as the representative member, and by all the  
7 other firm members.

8 (f) (1) (i) If the applicant is an individual, the application shall be  
9 accompanied by at least 5 written recommendations of the individual.

10 (ii) If the applicant is a firm, the application shall be accompanied  
11 by at least 5 written recommendations of each firm member.

12 (2) Each recommendation shall be signed, under oath, by a reputable  
13 citizen who owns property in the county where the individual applicant or firm  
14 member resides or where the business of the private detective agency is to be  
15 conducted.

16 (g) An applicant for a license shall submit with the application form a bond in  
17 accordance with the requirements of § 13-603 of this title.

18 (h) An applicant for a license who intends to employ at least 5 individuals as  
19 private detectives shall submit with the application proof of liability insurance, as  
20 required under § 13-604 of this title.

21 (i) In addition to meeting the other requirements of this section, a  
22 nonresident applicant shall submit a consent and any related document, as required  
23 by § 13-605 of this title.

24 13-306.

25 (a) (1) The Secretary shall issue a license to each applicant who meets the  
26 requirements of this subtitle.

27 13-401.

28 An individual shall be certified by the Secretary as a private detective before the  
29 individual personally may provide any private detective service in the State.

30 13-402.

31 An individual qualifies for certification as a private detective if the individual:

32 (1) holds a license;

33 (2) is a firm member of a licensed private detective agency; or

1                   (3)    (i)    is an employee of or an applicant for employment with a  
2 licensed private detective agency; and

3                               (ii)    meets the qualifications set forth under § 13-403 of this  
4 subtitle.

5 13-403.

6       To qualify for certification as a private detective, an employee of or applicant for  
7 employment with a licensed private detective agency shall:

8                   (1)    meet the standards set by the Secretary;

9                   (2)    submit to the Secretary:

10                               (i)    a sworn application on the form the Secretary provides; and

11                               (ii)    2 sets of fingerprint cards marked with the applicant's  
12 fingerprints; and

13                   (3)    pay to the Secretary:

14                               (i)    an application fee of \$50; and

15                               (ii)    payment for the cost of the fingerprint card record checks.

16 13-404.

17       The Secretary shall certify as a private detective each individual who meets the  
18 requirements of this subtitle.

19 13-405.

20       While certification of an individual as a private detective is in effect, the  
21 certification authorizes the individual to provide private detective services only:

22                   (1)    on behalf of the private detective agency through which the  
23 individual obtained the certification; and

24                   (2)    while that private detective agency is licensed under this title.

25 13-603.

26       (a)    (1)    Subject to this section, an applicant for a license shall execute a bond  
27 that is conditioned on the faithful and honest conduct of the applicant and runs to the  
28 State for the benefit of any person injured by any wrongful act of the applicant that is  
29 willful or malicious.

30                   (2)    The applicant shall submit the bond to the Secretary with the license  
31 application.

1 (b) (1) The amount of the bond required under subsection (a) of this section  
2 shall be at least:

3 (i) \$3,000, if the applicant is an individual; or

4 (ii) \$5,000, if the applicant is a firm.

5 (2) The total liability of the surety to all insured persons under the bond  
6 may not exceed the penal sum of the bond.

7 (c) A licensee shall keep in effect at all times a bond that meets the  
8 requirements of this section.

9 (d) (1) If a licensee's bond is cancelled, forfeited, or terminated by the surety,  
10 the surety immediately shall notify the Secretary.

11 (2) If a surety fails to notify the Secretary as required by this subsection,  
12 the bond shall continue in effect until the notice is given to the Secretary.

13 13-604.

14 (a) A private detective agency that employs 5 or more individuals as private  
15 detectives shall:

16 (1) maintain general liability insurance in an amount not less than  
17 \$100,000; and

18 (2) submit proof of the required insurance to the Secretary.

19 (b) (1) If an applicant for a license intends to employ 5 or more individuals  
20 as private detectives, the applicant shall submit proof of the liability insurance  
21 required under subsection (a) of this section to the Secretary with the license  
22 application.

23 (2) The Secretary may not issue a license to an applicant to whom the  
24 insurance requirements of this section would apply unless the applicant submits  
25 proof of the insurance.

26 (c) If the insurance required for a private detective agency under this section  
27 is cancelled, forfeited, or otherwise terminated, both the private detective agency and  
28 the insurer shall notify the Secretary.

29 13-701.

30 (a) A person may not engage in, attempt to engage in, or offer to engage in a  
31 business for the purpose of providing private detective services in the State unless  
32 licensed as a private detective agency by the Secretary.

33 (b) An individual may not provide, attempt to provide, or offer to provide  
34 private detective services in the State unless certified as a private detective by the  
35 Secretary.

1 13-707.

2 A person who violates any provision of this title is guilty of a misdemeanor and  
3 on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding  
4 1 year or both.

5 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding the  
6 provisions of this Act, an individual or person who is acting as a bounty hunter shall  
7 not be subject to the provisions of this Act or required to obtain a license or  
8 certification under this Act until July 1, 1999.

9 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 October 1, 1998.