

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

House Bill 912 (Delegate Montague)
Judiciary

Fugitive Apprehension Agents - Licensure

This bill provides for the licensing and regulation of “fugitive apprehension agents” by the Department of State Police.

Fiscal Summary

State Effect: General fund revenues would increase from the licensing and renewal fee provisions. General fund expenditures would increase by approximately \$95,000 in FY 2002. Out-year estimates reflect ongoing operations and license renewals.

(in dollars)	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
GF Revenue	-	-	-	-	-
GF Expenditure	95,000	66,900	70,300	104,900	77,700
Net Effect	(\$95,000)	(\$66,900)	(\$70,300)	(\$104,900)	(\$77,700)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

Small Business Effect: Meaningful.

Analysis

Bill Summary: A fugitive apprehension agent is defined as a person who contracts with a bail bondsman to find and secure the arrest or apprehension of a criminal defendant who has violated the bail agreement terms. A bail bondsman is a person who writes bonds to secure the bail ordered by the court for criminal defendants.

The bill requires any person who works as a fugitive apprehension agent (bounty hunter) to obtain a one-year renewable license from the State Police. A license applicant must: (1) be at least 25 years old; (2) be of good character; (3) be associated with a bail bondsman in the State; (4) submit a bond of at least \$3,000 to the State Police; and (5) have a year of law enforcement experience or have successfully completed a police officer training course.

An applicant must sign the application form under oath and the Secretary of the Department of State Police is required to conduct a State and national criminal records check for each applicant. An applicant for a license (or a renewal license) must pay an application fee that is sufficient to cover the cost of processing the applications, as provided by the Secretary.

A licensee must maintain an office in the State and keep all files or records that are compiled in the State or are related to a fugitive apprehension in the State.

The Secretary may adopt necessary regulations to enforce the provisions of the bill.

The bill also provides for: (1) the application procedure to obtain a license; (2) the information that must be included on the application form; (3) the information the Secretary must provide on each license; (4) the information the Secretary must provide on each license certificate; and (5) the procedure for renewing an expired license. The bill also establishes a complaint resolution process and disciplinary procedures.

A person who violates any provision of the bill is guilty of a misdemeanor and subject to up to a year in prison or a fine of up to \$1,000, or both.

Current Law: None applicable.

Background: There are no federal laws or regulations regarding bounty hunters. The only applicable government action is found in *Taylor v. Taintor*, 83 U.S. 366 (1872). In this case, the U.S. Supreme Court ruled that a bail bondsman or his agent has broad authority to pursue and arrest defendants who have “skipped bail.” A bail bondsman or bounty hunter may cross state lines in pursuit of a fugitive, detain a fugitive until trial, and may enter a home or premises without a search and arrest warrant.

Some prominent bounty hunter mistakes and abuses have brought the powers of bounty hunters under review in several states. Illinois, Wisconsin, Oregon, and Kentucky require out-of-state bounty hunters to obtain a court order before they can arrest a fugitive. Several other states are considering or have recently considered related legislation, including Michigan and New York.

This bill is in response to a City of Baltimore Council Resolution that was drafted to urge the Chairs of the Baltimore City Delegation to the 2001 General Assembly to sponsor fugitive apprehension agent legislation. In 1996 the Baltimore City Council created a task force to study the need for State regulation of fugitive apprehension agents. The task force was composed of representatives from law enforcement, State's attorneys, members of the bail bond industry, court personnel, people contracting as fugitive apprehension agents, and other affected parties. The task force recommended the following requirements for agents: (1) State licensing; (2) criminal background checks; (3) bonding; (4) State-issued photo identification; (5) State Police training; and (6) association with a bail bond firm. A copy of the task force's report was not made available to the Department of Legislative Services.

State Revenues: The number of bounty hunters in the State is not known at this time. However, based on the fact that there are 784 bail and property bondsmen registered with the District Court, it is estimated that there are less than 500 bounty hunters in the State. The State Police expects to set a \$100 licensing/renewal fee.

State Expenditures: General fund expenditures could increase by an estimated \$94,966 in fiscal 2002, which accounts for the bill's October 1, 2001 effective date. This estimate reflects the cost of hiring a trooper to receive applications and order and conduct background checks. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Salaries and Fringe Benefits	\$35,030
Patrol Car and Police Equipment	39,871
Operating Expenses	<u>20,065</u>
Total FY 2002 State Expenditures	\$94,966

Future year expenditures reflect: (1) full salaries with a 6.5% increase in fiscal 2003 and a 4.5% increase each year thereafter, with 3% employee turnover; and (2) 1% annual increases in ongoing operating expenses.

The bill requires an officer with the rank of lieutenant or above to serve as the investigating officer for complaint resolution. It is assumed these duties can be assigned and performed on an "as-needed" basis with existing resources.

Small Business Effect: Most bail bondsmen and bounty hunters are small businesses. This bill will increase their costs because of the office and record keeping requirements and the application and renewal fees. It is anticipated that fewer people will become

bounty hunters due to the bill's provisions. The income of the remaining bounty hunters may increase due to the decline in competition.

Additional Information

Prior Introductions: HB 277 of 1998 proposed to license bounty hunters as private detectives. It received an unfavorable report from the House Judiciary Committee.

Cross File: None.

Information Source(s): Department of State Police, Department of Legislative Services

Fiscal Note History: First Reader – February 22, 2001
ncs/jr

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