

**Department of Legislative Services**  
Maryland General Assembly  
2002 Session

**FISCAL NOTE**  
**Revised**

House Bill 575

(Delegates Montague and Hutchins)

Judiciary

Judicial Proceedings

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**Private Detectives - Fugitives from Justice**

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This bill expands the scope of providing private detective services in the State to include conducting an investigation to locate a fugitive from justice unless the person conducting the investigation is a property bail bondsman or licensed by the Insurance Commissioner as a bail bondsman or is an employee or agent authorized in advance by a property bail bondsman or a licensed bail bondsman from another state.

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**Fiscal Summary**

**State Effect:** The provisions of this bill could be handled with the existing budgeted resources of the Licensing Division of the Department of State Police. Minimal increase in general fund revenues from additional licensing fees paid.

**Local Effect:** None.

**Small Business Effect:** Potential meaningful. This bill would require that any “bounty hunter” (including individuals and firms) not now licensed as a private detective, or working for or as a bail bondsman in the State, would be required to be licensed under Maryland’s statutory and regulatory licensing provisions. However, the bill’s exclusion of property bail bondsmen and licensed bail bondsmen from other states would tend to limit impact on all such small businesses. It is not known exactly how many bounty hunters now operate in Maryland, or how many of those that do are small businesses.

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## Analysis

**Current Law:** Private detectives, including agencies and individuals, are regulated by the Department of State Police under statutory and regulatory licensing provisions. “Provide private detective services” in Maryland means to provide, for compensation, the service of conducting an investigation that concerns:

- a crime or wrong committed, assumed to have been committed, or threatened to be committed;
- the identity, habits, conduct, movement, location, affiliations, associations, transactions, reputation, or character of any person;
- the credibility of a witness or of any other individual;
- the location of a missing individual;
- the location or recovery of lost or stolen property;
- the origin or cause of or responsibility for:
  1. a fire;
  2. an accident;
  3. any damage to or loss of property; or
  4. an injury to an individual;
- the affiliation, connection, or relation of any person with an organization or other person; or
- the activities, conduct, efficiency, loyalty, or honesty of any employee, agent, contractor, or subcontractor.

Providing private detective services also means securing evidence for use before any investigating committee, board of award, or board of arbitration or for use in the trial of any civil or criminal cause or nonuniformed personal protection.

“Provide private detective services” does not include:

- performing any activity of a person who is engaged exclusively in the business of making investigations and reports that relate to the financial standing, creditworthiness, or financial responsibility of any person;
- performing any activity of a person who is engaged exclusively in the business of making a report for an insurance or credit purpose, except if the making of the report involves an investigation or surveillance of a sort normally performed by a person who otherwise is subject to this title;

- monitoring an electronically controlled burglar or fire alarm system with a central unit; or
- making a marketing survey.

Current application fees for private detectives are \$200 for an individual and \$375 for a firm, along with a surety bond with a power of attorney attached with original signature and corporate seal in the amounts of \$3,000 for an individual and \$5,000 for a firm. The expiration dates of every license are January 31 or July 31 every two years on a staggered basis, with license renewal fees set at \$200 for an individual and \$400 for a firm. All such fee revenue is deposited to the general fund.

**Background:** There are no federal laws or regulations regarding bounty hunters. The only applicable legal authority 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.

In 2001, a bill that would have provided for the licensing and regulation of “fugitive apprehension agents” by the Department of State Police was withdrawn. That bill was 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.

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### **Additional Information**

**Prior Introductions:** In 2001, HB 912 would have provided for the licensing and regulation of “fugitive apprehension agents” by the Department of State Police. That bill was withdrawn.

**Cross File:** None.

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

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