

House Bill 3236

Sponsored by Representative BOQUIST (at the request of Kevin C. Nortness)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Authorizes bail fugitive recovery agent to apprehend and detain bail fugitive for surrender to local sheriff. Imposes requirements on bail fugitive recovery agents. Punishes violation by maximum of one year's imprisonment, \$6,250 fine, or both.

A BILL FOR AN ACT

1
2 Relating to bail fugitives.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) As used in this section:**

5 (a) **"Bail fugitive" means a defendant charged with a felony in any other state who has**
6 **been released from custody after the posting of a bail bond or other financial security and**
7 **has violated the conditions of the release or of the bond or other financial security.**

8 (b) **"Bail fugitive recovery agent" means:**

9 (A) **The surety for a bond or other financial security that was posted to allow the release**
10 **of a criminal defendant who has become a bail fugitive; or**

11 (B) **A person employed by or contracting with a bond or financial security surety to ap-**
12 **prehend the bail fugitive.**

13 (c) **"Local sheriff" means the sheriff for the county in which the bail fugitive is appre-**
14 **hended.**

15 (2) **A bail fugitive recovery agent may apprehend and detain a bail fugitive for the pur-**
16 **pose of surrendering the bail fugitive to the custody of the local sheriff. A bail fugitive re-**
17 **covery agent who apprehends a bail fugitive may not detain the bail fugitive longer than is**
18 **necessary to promptly surrender the bail fugitive to the custody of the local sheriff.**

19 (3) **A local sheriff to whom a bail fugitive is surrendered under this section shall take**
20 **custody of the bail fugitive and with all practicable speed take the bail fugitive before a judge,**
21 **court or magistrate as provided under ORS 133.803 or 133.805.**

22 (4) **A bail fugitive recovery agent is justified in using physical force upon a bail fugitive**
23 **when and to the extent that the bail fugitive recovery agent reasonably believes force is**
24 **necessary to apprehend or retain custody of the bail fugitive. A bail fugitive recovery agent**
25 **is justified in using deadly physical force only when the bail fugitive recovery agent reason-**
26 **ably believes deadly physical force is necessary for self-defense or to defend a third person**
27 **from what the bail fugitive recovery agent reasonably believes to be the use or imminent use**
28 **of deadly physical force. This subsection does not authorize a bail fugitive recovery agent to**
29 **enter a private residence by force.**

30 (5) **Except as provided in subsection (6) of this section, at least two hours but not more**
31 **than 24 hours before apprehending or detaining a bail fugitive, the bail fugitive recovery**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 agent shall notify the Department of State Police, the local sheriff and any police department
2 for a municipality where the bail fugitive is located that the bail fugitive recovery agent
3 plans to apprehend and detain the bail fugitive. Notices provided under this subsection shall
4 include, at a minimum:

5 (a) A copy of the bench warrant issued for the bail fugitive, a certified copy of the bail
6 bond agreement or other documentation that establishes that the person to be apprehended,
7 detained and surrendered to the sheriff is a bail fugitive;

8 (b) The address where the bail fugitive recovery agent expects to apprehend the bail fu-
9 gitive;

10 (c) A physical description or photograph of the bail fugitive;

11 (d) The business name, address and telephone number for the bond or financial security
12 surety and, if different, for the bail fugitive recovery agent; and

13 (e) Physical descriptions or photographs of all bail fugitive recovery agents that will be
14 involved in actually apprehending and detaining the bail fugitive.

15 (6) A bail fugitive recovery agent may apprehend and detain a bail fugitive without pro-
16 viding notice as required by subsection (5) of this section if exigent circumstances prevent
17 the timely giving of notice. The bail fugitive recovery agent shall promptly file information
18 with the local sheriff demonstrating why exigent circumstances prevented the bail fugitive
19 recovery agent from timely giving notice.

20 (7) A bail fugitive recovery agent may not use a badge, uniform, title or other device to
21 represent that the bail fugitive recovery agent is acting as a law enforcement officer or other
22 agent of federal, state or local government in apprehending or detaining a bail fugitive.

23 **SECTION 2.** A person acting as a bail fugitive recovery agent who violates a provision
24 of section 1 of this 2007 Act commits a Class A misdemeanor.