

SENATE BILL 2676

By Bailey

AN ACT to amend Tennessee Code Annotated, Title 16;
Title 39 and Title 40, relative to bounty hunters.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-11-318, is amended by deleting the section in its entirety and substituting instead the following:

(a) As used in this section:

(1) "Bounty hunter" and "bounty hunting" mean a person acting for or on behalf of a professional bondsman who attempts to or takes into custody a person who has failed to appear in court and whose bond has been forfeited, for a fee, the payment of which is contingent upon the taking of a person into custody and returning the person to the custody of the professional bondsman for whom the bounty hunter works; provided, that "bounty hunting" does not include the taking into custody of a person by a professional bondsman;

(2) "Equipment" means any material item or animal used by a bounty hunter to locate, surveil, or take into custody a person; and

(3) "Weapon" means any equipment, dangerous instrument, or substance that is capable of inflicting any injury on any person.

(b)

(1) No person shall serve as a bounty hunter in this state who has been:

(A) Convicted of, pleaded guilty to, or entered a plea of nolo contendere to any felony;

(B) Convicted of, pleaded guilty to, or entered a plea of nolo contendere to any violation of any federal or state laws or local ordinances relating to force, violence, theft, dishonesty, gambling,

alcoholic beverages, controlled substances, or controlled substance analogues;

(C) Convicted of, pleaded guilty to, or entered a plea of nolo contendere to a violation of subsection (i); or

(D) Released or discharged under any circumstances other than honorable discharge from any of the armed forces of the United States.

(2) A person who violates this subsection (b) commits a criminal offense.

A violation under:

(A) Subdivision (b)(1)(A) or (B) is a Class E felony; and

(B) Subdivision (b)(1)(C) or (D) is a Class A misdemeanor.

(c) Before a bounty hunter takes into custody any person who has failed to appear in court, the bounty hunter shall be in compliance with the continuing education requirements of title 40, chapter 11, part 4 by obtaining eight (8) hours of continuing education credits annually, make a good faith effort to verify the person's address, and present to the court with criminal jurisdiction for the place where the taking will occur and to the office of the appropriate law enforcement officer of the political subdivision where the taking will occur:

(1) A certified copy of the underlying criminal process against the defendant;

(2) A certified copy of the bond or capias;

(3) Proper credentials from a professional bondsman in this state or another state verifying that the bounty hunter is acting on behalf of a professional bondsman, and that contains, at a minimum, the bounty hunter's name, address, and photograph;

(4) Documentation from a professional bondsman in this state or another state certifying that the bounty hunter has completed the training and continuing education requirements of this section or, if the bounty hunter is from a state other than this state, proof that the bounty hunter successfully completed an

equivalent amount of training in the bounty hunter's home state within the last year that is sufficient to meet the requirements of this section;

(5) Proof of completion of an approved course of instruction and training, as required by subdivision (h)(1), specific to any weapon the bounty hunter carries or possesses while engaged in the practice of bounty hunting, in addition to satisfying the requirements of § 39-17-1315, § 39-17-1351, or any other law relative to the carrying and possession of a weapon; and

(6) Proof of completion of an approved course of instruction and training in animal and canine behavior as required by subdivision (h)(2), if the bounty hunter maintains a canine or other animal as equipment.

(d) A person engaged in the practice of bounty hunting commits a Class A misdemeanor by failing to:

(1) Present all of the proper credentials as required by this section to the offices of the appropriate law enforcement officer prior to taking any person into custody;

(2) Possess a copy of all of the proper credentials as required by subsection (c) at all times the person is engaged in the practice of bounty hunting; or

(3) Provide identification as a bounty hunter when requested by a law enforcement officer or any other person.

(e) A professional bondsman, who knowingly employs a convicted felon to act on behalf of the bondsman for purposes of taking into custody a person who failed to appear in court, commits a Class A misdemeanor.

(f) Any resident of this state who is a United States citizen and who intends to perform the functions of a bounty hunter as defined in subsection (a), shall submit to a

criminal history background check as provided by § 38-6-109 at the sheriff's office in the county of the person's permanent residence. The person requesting the criminal history background check shall be responsible for any fees associated with the background check. The criminal background check shall include fingerprint checks against state and federal criminal records maintained by the Tennessee bureau of investigation (TBI) and the federal bureau of investigation (FBI). The sheriff's office shall maintain files in their respective counties on bounty hunters requesting a criminal history background check. A sheriff may charge a fee of not more than two hundred dollars (\$200) for each background check performed pursuant to this subsection (f) and in addition to the background check fees payable to the TBI, the FBI, and any designated vendor. If the bounty hunter is from a state other than Tennessee, proof that the bounty hunter has completed an equivalent criminal history background check in the person's home state within the last year, and has completed training that would be sufficient to meet the requirements imposed upon Tennessee bounty hunters by this section, shall be provided to the appropriate law enforcement agency of the political subdivision and court with jurisdiction over the place where the taking will occur.

(g) No bounty hunter shall wear, carry, or display any uniform, badge, shield, card, or other item with any printing, insignia, or emblem:

(1) In a manner that violates § 39-16-301;

(2) That bears any variation of the words "agent" or "officer"; or

(3) In a manner that otherwise purports to indicate that the bounty hunter is an employee, officer, or agent of any local, state, or federal government or any political subdivision of any local, state, or federal government.

(h)

(1) Prior to carrying or possessing any weapon while engaged in the practice of bounty hunting, a bounty hunter shall successfully complete a course of instruction and training specific to the safe and proper use of each weapon carried or possessed, and that has been approved by the department of commerce and insurance.

(2) Prior to using or maintaining any animal as equipment, a bounty hunter shall successfully complete a course of instruction and training in animal behavior generally and canine behavior specifically that has been approved by the department of commerce and insurance. The course shall include, at minimum, instruction and training in the following:

(A) Basic animal behavioral characteristics, traits, and methods by which a handler can ascertain whether an animal is likely to be or become aggressive and thereby constitute a threat to the handler or other people;

(B) Situations and environments in which an animal is more likely to be or become aggressive and methods by which a handler can control or alter these situations or environments in order to best protect the handler and other people; and

(C) Ways in which a handler can control and neutralize an animal that is or becomes aggressive in a manner that utilizes the least amount of force or likelihood of harm to the animal necessary to protect the handler and other people.

(i) No person engaged in the practice of bounty hunting shall operate a motor vehicle to pursue another person in any manner that constitutes a violation of title 55, chapter 8, or a violation of any local ordinance related to the operation of motor vehicles.

(j) After satisfying the notification requirements of subsection (c), a bounty hunter may request assistance or support from the appropriate law enforcement agency of the political subdivision where the bounty hunter will attempt to take a person into custody. The chief law enforcement officer of the agency may provide or decline to provide, in the sole discretion of the chief law enforcement officer, assistance or support to the bounty hunter by whatever means the chief law enforcement officer determines to be appropriate.

(k) Nothing in this section shall be construed as permitting the carrying or possession of a handgun in a manner inconsistent with § 39-17-1315 or § 39-17-1351.

SECTION 2. The administrative office of the courts shall conduct a review of the certification and qualification requirements of bounty hunters in all other states for the purpose of determining which states' requirements satisfy, if any, the minimum requirements imposed on bounty hunters in this state. The administrative office of the courts shall compile the findings of this review into a report no later than December 31, 2018, and make the report available to all courts and law enforcement agencies in this state.

SECTION 3. This act shall take effect January 1, 2019, except that section 2 shall take effect upon becoming law, the public welfare requiring it.