

**TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING**

**CHAPTER 60. REGULATING BAIL ENFORCERS**

**SUBCHAPTER 1. GENERAL PROVISIONS**

**390:60-1-1. Purpose**

(a) The provisions of Chapter 2, Administrative Procedures, beginning at CLEET Rule 390:2-1-1, are incorporated by reference as if set out fully herein.

(b) The purpose of these Rules is to set forth the requirements and guidelines needed to implement and enforce the provisions of the Oklahoma Bail Enforcement and Licensing Act. Generally, these Rules are intended to implement standards and procedures to protect the interest of the public without placing undue burdens upon the operation of the bail enforcement business.

**390:60-1-2. Statutory Authority**

Pursuant to the authority vested in the Council on Law Enforcement Education and Training by the Oklahoma Bail Enforcement and Licensing Act, the Rules of this Chapter have been promulgated. These Rules supplement existing state and federal laws, and being properly promulgated, the Rules contained in this Chapter have the force and effect of law so long as not in conflict with Oklahoma statutes.

**390:60-1-3. Definitions**

CLEET adopts for Rule purposes all definitions specifically set out in the Bail Enforcement and Licensing Act, 59 OS Section 1350 et seq and CLEET Rule 390:1-1-2.1. In addition, these words or terms shall have the following meaning unless the context clearly indicates otherwise:

"Act" means the Oklahoma Bail Enforcement and Licensing Act, Title 59, O.S., Section 1350, et seq.

"Applicant" means a person applying for a license under the provisions of the Act.

"Approved school" means an organization or institution authorized by CLEET to conduct bail enforcement training pursuant to the Act.

"Armed Bail Enforcer" means a Bail Enforcer having a valid license issued by the Council on Law Enforcement Education and Training authorizing the holder to carry an approved pistol or weapon in the recovery of a defendant pursuant to the Bail Enforcement and Licensing Act.

"Bail Enforcer" means a person who acts, engages in, solicits or offers services to execute a prior to breach recovery of a defendant on an undertaking or bail bond contract execute a recovery of a defendant for failure to appear on an undertaking or bail bond contract issued in this state, another state or the United States. The term "Bail Enforcer" does not include any law enforcement officer actively employed by a law enforcement Agency recognized in this state, or any of its political subdivisions, another state or the United States, while such officer is engaged in the lawful performance of duties authorized by his or her employing law enforcement Agency, a bondsman licensed in this state and acting under the authority of his or her undertaking or bail contract or a licensed bondsman appointed by an insurer in this state with regard to a defendant on a bond posted by that insurer.

"Bail Recovery Contract" or "Client Contact" means an agreement to perform the services of a Bail Enforcer for a client. Only a Bail Enforcer licensed by the Council may enter into a client contract to perform the services of a Bail Enforcer. A Bail Enforcer is liable for his

or her acts and omissions while executing a recovery of a defendant pursuant to a client contract.

"Client" means a bondsman or surety on an undertaking or bail bond contract issued in this state, another state or the United States that enters into a contract for the services of a Bail Enforcer.

"Conflict of interest" means a conflict or the appearance thereof between the private interests and public obligations of an individual, organization, or other legal entity authorized to conduct business pursuant to the Act.

"Contract" means, for the purposes of these Rules, an agreement between a person or Agency licensed under this Act and a client, to provide bail enforcement services, for a contract labor fee; and where the wages of the Bail Enforcer are paid by the contractor. Such contracts may be oral or written, or in any combination thereof.

"Contractor" means, for the purposes of these Rules, a contractor is a person or business entity not employed in a direct employer-employee relationship, but instead contracts with a client to provide his or her services as a Bail Enforcer and their services to that client, for a contract labor fee. The term "contractor" shall include "sub-contractor".

"Conviction" means any final adjudication of guilt, whether pursuant to a plea of guilty or nolo contendere, or otherwise, and any deferred or suspended sentence or judgment based on a final adjudication of guilt, or based on a plea of guilty or nolo contendere.

"Currently undergoing treatment for a mental illness, condition, or disorder" means the person has been diagnosed by a licensed physician or psychologist as being afflicted with a substantial disorder of thought, mood, perception, psychological orientation, or memory that significantly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life and such condition continues to exist.

"Curriculum" means the collective, written documentation of the material content of a training course, or any particular phase of training prescribed by the Act, minimally consisting of course objectives, student objectives, lesson plans, training aids, and examinations.

"Defendant" means the principal on an undertaking or bail bond contract.

"Expungement" means a court order expunging any final adjudication of guilt, whether pursuant to a plea of guilty or nolo contendere, or otherwise, and any deferred or suspended sentence or judgment based on a final adjudication of guilt, or based on a plea of guilty or nolo contendere. For purposes of these Rules expungement does not include a court order expunging a criminal record because no charges were filed or expunging a criminal record because the accused was acquitted at trial, or because the charges were dismissed on motion of the state prior to entry of any plea of guilty or nolo contendere.

"Full-time employment" means any Bail Enforcer, who is employed and paid for working twenty-five (25) hours or more per week on a regular basis.

"Instructor" means a person who directly facilitates learning through means of lecture, group participation, practical exercise, or other means, where there is a direct student-teacher relationship.

"License" means authorization issued by the Council pursuant to the Bail Enforcement and Licensing Act permitting the holder to perform functions and services as a Bail Enforcer, and the documentary evidence of that authorization.

"Licensee" means a person authorized by CLEET under the provisions of this Act, to lawfully conduct business as a Bail Enforcer.

"Noxious Substance" means OC spray, pepper spray, mace or any substance used as a physiological irritant.

"Over-payment" means monies in excess of the amount due for a license, permit or fine that is returned to the individual or Agency.

"Person" means, in addition to any natural person, any corporation, company, association, operation, firm, partnership, institution, trust, or other form of business association.

"Recovery" or "Surrender" means the presentation of a defendant to the public officer competent to receive the defendant into custody.

"School coordinator" means a person certified by CLEET to coordinate and conduct private security and bail enforcement training at an approved school, and arrange or administer psychological examinations to firearms training students.

"Training course" means a complete, multi-phase course of instruction required to qualify for a license under the provisions of the Act.

"Training phase" means a block of training units that comprises a distinct phase in the private security or bail enforcement training course.

"Training unit" means a unit of instruction within a training phase.

"Weapon" means taser, stun gun, baton, night stick or any other device used to subdue a defendant, or any noxious substances as defined in the Bail Enforcement and Licensing Act.

#### **390:60-1-4. Compliance with Laws and Rules**

(a) All Licensees and approved schools shall be knowledgeable of and conduct operations in accordance with all federal, state, and local laws; and Rules and regulations of CLEET. The commission of any criminal offense, proven by clear and convincing evidence, may be grounds for an action against any person falling within the jurisdiction and purview of 59 O.S., Section 1350.1 et seq. if such offense reflects negatively on the Licensee's or school's moral character.

(b) Any statute of the United States or of the State of Oklahoma now in existence, or duly enacted in the future, shall supersede any conflicting provision of this Chapter to the extent of such conflict, but shall not affect the remaining provisions herein.

(c) Any violation of this Chapter and applicable Laws of the State of Oklahoma may result in a written reprimand or the denial, suspension, or revocation of a license, or disciplinary penalty, or fine.

(d) Interested parties may obtain information or submit comments related to this Chapter by writing to CLEET, Private Security Division, 2401 Egypt Road, Ada, Oklahoma, 74820-0669

#### **390:60-1-5. Acting as a Bail Enforcer**

(a) No person may perform, or assist in the performance of, any function or service as a Bail Enforcer if the person's license as a Bail Enforcer has been suspended, revoked, surrendered, or denied.

(b) A licensed Bail Enforcer may not assist, aid, or conspire with an unlicensed person (whether never licensed, or whose license as a Bail Enforcer or Bail Bondsman has been suspended, revoked, surrendered, or denied) to engage in any function or service as a Bail Enforcer.

(c) An active duty commissioned Peace Officer who is off duty may assist a Bail Enforcer if permitted by the Peace Officer's employing Agency. The assisting Peace Officer need not be a licensed Bail Enforcer for purposes of this rule.

#### **390:60-1-6. Eligibility for Licensing**

(a) Applicants for Bail Enforcer licenses must meet and satisfy the requirements of The Oklahoma Bail Enforcement and Licensing Act.

(b) A Sheriff, Deputy Sheriff, Police Officer, or officer of the law who is not on duty and who assists in the apprehension of a defendant is not required to be licensed as a Bail Enforcer.

(c) The following persons are not eligible for licensing as a Bail Enforcer or as a Bail Enforcement Agency.

(1) Jailers;

(2) Police officers;

(3) Committing judges;

(4) District or Municipal judges;

(5) Prisoners;

(6) Sheriffs, deputy sheriffs and any person having the power to arrest or having anything to do with the control of federal, state, county or municipal prisoners.

(7) Any person who possesses a permit pursuant to the provisions of Section 163.11 of Title 37 of the Oklahoma Statutes or is an officer, director or stockholder of any corporation holding such a permit;

(8) Any person who is an agent or owner of any establishment at which low-point beer is sold for on-premises consumption;

(9) Any person who holds any license provided for in Section 518 of Title 37 of the Oklahoma Statutes or is an agent or officer of any such Licensee, except for an individual holding an employee license pursuant to paragraph 20 of subsection A of Section 518 of Title 37 of the Oklahoma Statutes;

(10) Any person who holds any license or permit from any city, town, county, or other governmental subdivision for the operation of any private club at which alcoholic beverages are consumed or provided;

(11) Any person or agent of a retail liquor package store;

(12) Any person whose bail bondsman license has been revoked by the Insurance Commissioner;

(13) Any person whose employment prohibits that person from being licensed as a bail bondsman;

(14) Any district attorney, or assistant district attorney, or employee of a district attorney;  
and

(15) Any employee of the Department of Corrections.

### **390:60-1-7. Release of Records**

(a) Except as specifically exempted by law, official records of the Council on Law Enforcement Education and Training are subject to the Oklahoma Open Records Act, and the Bail Enforcement and Licensing Act.

(1) CLEET may verify the current status of an applicant or a Licensee to the public on request.

(2) CLEET may release such information as necessary to perform CLEET duties or comply with statutes or Rules pursuant to the Bail Enforcement and Licensing Act.

(3) CLEET may release records to a bona fide law enforcement Agency or judicial authority, upon written request, for investigative purposes.

(4) CLEET may release records to an insurance company licensed in Oklahoma for the limited purposes of issuing a policy or bond for licensure, or for claims purposes.

(5) CLEET may provide the published name, address, and phone number of a licensed Bail Enforcer to the public on request.

(6) CLEET may provide records as required by a Court Order to Compel and Protective Order for Materials Produced by CLEET. CLEET must be provided with a certified copy of such order prior to release of records. A subpoena, other than a Grand Jury subpoena, without an Order to Compel and Protective Order for Materials Produced by CLEET, is not sufficient.

(b) Copies of public information may be obtained from the Council office during regular business hours upon receipt of a written request and payment of a fee to cover the cost of providing copies of the requested.

(c) There may be a charge of Twenty-Five Cents (\$.25) per page for copies of public records of the Council.

(d) In the event a request for copies is for a commercial purpose or would cause disruption of the performance of the regular duties of the Council or Council staff, there may be an additional charge computed and assessed for locating and copying the requested materials based upon the cost of the lowest paid employee necessary to accomplish the copying request.

(e) Individual requests for records will be accepted only if received by Mail, with an original signature.

(f) All social security numbers except for the last four digits will be redacted from any documents supplied by CLEET.

### **SUBCHAPTER 3. [RESERVED]**

## **SUBCHAPTER 5. APPLICATION REQUIREMENTS**

### **390:60-5-1. Bail Enforcer Applicant requirements**

(a) Applicants for a License issued pursuant to the Act must:

(1) Be a citizen of the United States or an alien legally residing in the United States and have a minimum of six (6) months legal residence documented in this state;

(2) Be at least twenty-one (21) years of age;

(3) Provide proof of a high school diploma or GED and proof of successful completion of the training and psychological evaluation requirements for the license applied for, and related testing, as prescribed by CLEET;

(4) Be of good moral character;

(5) Have no final victim protection orders issued in any state in which applicant is the respondent / defendant;

(6) Have no record of a felony conviction or any expungement or a deferred judgment or suspended sentence for a felony offense;

(A) If the applicant is the defendant in a criminal prosecution that is pending, no license will be issued until final resolution of the criminal prosecution.

(B) If the applicant is the subject of an Order Deferring Imposition of Judgment and Sentence, no license will be issued until completion of the deferred sentence and dismissal of the criminal prosecution without a finding of guilt.

(C) If the Applicant was convicted of a felony, and the sentence was completed more than fifteen (15) years prior to the date of application, and the Applicant otherwise meets the licensing requirements, a Bail Enforcer License may be issued, but an Armed Bail Enforcer License may not be issued to the Applicant. The Applicant must supply all documentation required by CLEET.

- (7) Have no record of conviction for assault or assault and battery, aggravated assault and battery, larceny, theft, false pretense, fraud, embezzlement, false impersonation of an officer, any offense involving moral turpitude, any offense involving a minor as a victim, any nonconsensual sex offense, any offense involving the possession, use, distribution, or sale of a controlled dangerous substance, any offense of driving while intoxicated or driving under the influence of intoxicating substance, any offense involving a firearm, or any other offense as prescribed by the Council.
- (b) If an applicant was convicted of a disqualifying crime, and the sentence was completed more than five (5) years prior to the application date and the Council is convinced the offense constituted an isolated incident and the applicant has been rehabilitated, the Council may, in its discretion, waive the conviction disqualification as provided for in this paragraph and issue an unarmed Bail Enforcer license, but shall not issue an armed Bail Enforcer license if the offense involved the use of a firearm, was violent in nature, or was a felony offense other than a driving offense. The passage of five (5) years from completion of the sentence does not mean that the applicant is entitled to a license. The decision on whether the disqualifying conviction is waived is within the sole discretion of CLEET. The applicant must supply all documentation required by CLEET for consideration of a possible waiver.
- (c) If it is discovered that a disqualifying conviction exists, the Council shall immediately revoke or deny any license;
- (d) Under oath, the applicant shall certify that the applicant has no disqualifying convictions as specified in the Bail Enforcement and Licensing Act or by CLEET rule, or must disclose the disqualifying convictions and state that more than five (5) years have lapsed since the completion of the sentence for a disqualifying conviction.
- (e) The applicant must provide CLEET and the Oklahoma State Bureau of Investigation with individual fingerprints for a state and national criminal history records search.
- (f) The applicant must supply CLEET two (2) current individual passport – sized photographs with the completed CLEET application.
- (g) The applicant must provide certified copies of all court documents showing the disposition of any criminal charges. If no certified copies are available, the applicant must provide a ‘no records letter’ from the appropriate court. Obtaining and providing certified copies is the responsibility of the applicant.
- (h) The applicant must state, under oath, that the applicant is not currently undergoing treatment for a mental illness, condition, or disorder.
- (i) The applicant must state, under oath, whether the applicant has ever been adjudicated incompetent or committed to a mental institution.
- (j) The applicant must state, under oath, whether the applicant has any history of illegal drug use or alcohol abuse.
- (k) Upon presentation by the Council of the name, gender, date of birth, and address of the applicant to the Department of Mental Health and Substance Abuse Services, the Department of Mental Health and Substance Abuse Services shall notify the Council within ten (10) days whether the computerized records of the Department indicate the applicant has ever been involuntarily committed to an Oklahoma state mental institution.
- (l) The applicant must state, under oath, whether the applicant has ever been charged with any misdemeanor domestic violence offense.
- (m) The applicant must provide proof of liability insurance or an individual bond in a minimum amount established by the Bail Enforcement and Licensing Act.

- (n) The applicant must provide a statement of self-employment as a sole proprietor Bail Enforcer.
- (o) The applicant must complete all the training requirements, and pass the appropriate examinations related to training.
- (p) The signature of the applicant on the Application shall be considered an attestation that the Applicant has read these Rules, and agrees to obey these Rules.
- (q) In addition to the requirements listed above, Applicants for an Armed Bail Enforcer license must provide with the application:
  - (1) Proof of successful completion of the firearms phase of private security / private investigator / Bail Enforcer training;
  - (2) An original document showing completion of a certified Taser training course;
  - (3) An original document showing completion of a certified stun gun training course;
  - (4) An original document showing completion of a certified noxious substance training course.
- (r) A copy of every license issued under this chapter shall be posted conspicuously in the Licensee's place of business in this state.
- (s) Bail Enforcer licenses are not transferrable.
- (t) Any changes in Bail Enforcer information shall be provided to CLEET in writing within ten (10) days of the effective date of the change. Notice of changes of Licensee information will not be accepted over the phone.

### **390:60-5-2. License Fees**

- (a) Individual license fees shall be determined as set forth in the Bail Enforcement and Licensing Act.
- (b) Overpayment amounts will be returned to the remitter.
- (c) Payment must be made in a method defined in CLEET Rule 390:1-1-13.

### **390:60-5-3. Requests for Applications (59 O.S. § 1350.10)**

- (a) An application may be requested at the following address: CLEET, Bail Enforcement Division, 2401 Egypt Road, Ada, Oklahoma, 74820-0669.
- (b) Requests will be handled in the most expeditious and cost effective manner.

### **390:60-5-4. Application Process; Sworn Affidavit; Penalty**

The completed application form pursuant to the Act shall constitute a sworn affidavit.

- (1) Willful, fraudulent application for a license pursuant to the Act shall constitute a felony offense.
- (2) Applicants are hereby warned that willfully making false statements in making applications for licenses pursuant to the Act, or otherwise committing fraud in connection with such application is a felony offense, punishable by two (2) to five (5) years in prison; a fine of not more than \$5,000.00 or by both such fine and imprisonment.

### **390:60-5-5. Accuracy and Completeness of Application**

- (a) All information on an application form or any related document must be accurate to the best of the applicant's knowledge.
- (b) All sections that are applicable to the applicant must be completed, and all applicable spaces must be filled in with the appropriate information.

(c) If an application is incomplete, CLEET will process any payments in accordance with statutory requirements, and will notify the applicant that the application is incomplete. No further action will be taken on the application until all required information is received by CLEET.

(d) CLEET will not give any person legal advice and will not request or gather documents for an applicant. Accuracy and completeness of the application is the obligation of the applicant.

(e) Since CLEET does not wish to deny any person the opportunity to apply for a license, CLEET will not give advisory opinions as to whether a person will or will not be licensed. Decisions on licensing will be made only after receipt of a completed application.

### **390:60-5-6. Background Investigation of Applicants**

(a) The requirements of the Act will necessitate an investigation into the personal history, employment history, and moral character of each applicant. Local, state, and federal criminal indices will be examined in the normal processing of applications for evidence of any prior criminal record. In addition to those offenses set forth in the Statutes, convictions of crimes set forth in Appendix A of this Chapter, shall be deemed as disqualifying convictions.

(b) Failure to provide the information necessary to complete this background investigation, including certified copies of Judgment and Sentence, shall preclude any further processing and shall result in denial of said application.

(c) One fingerprint fee is required of each applicant. The Applicant is responsible for paying any fees required.

(d) Fingerprint cards or electronically captured fingerprints submitted by an applicant which have been rejected by the Oklahoma State Bureau of Investigation (OSBI) or Federal Bureau of Investigation (FBI), have failed to meet the statutory requirement for providing "classifiable fingerprints to enable the search of criminal indices for evidence of prior criminal record".

(1) Upon notice to CLEET from the OSBI or FBI that fingerprints have been rejected, CLEET shall send written notice to the applicant requesting resubmission of fingerprints.

(2) Failure to resubmit fingerprints within thirty (30) days of the request for resubmittal shall preclude any further processing of the application and may result in denial, suspension or revocation of any license held by the applicant.

(3) Upon the third rejection of fingerprints by the OSBI or FBI or the expiration of one-hundred-eighty days (180) days, whichever occurs first, from the original date of issuance of any license, such license shall be suspended or revoked until such time that classifiable fingerprints have been submitted and criminal history reports have been received from OSBI and FBI.

### **390:60-5-7. Psychological Evaluation and Reporting**

(a) Each applicant to be licensed as a Bail Enforcer shall be administered any current standard form of the Minnesota Multiphasic Personality Inventory (MMPI), or other psychological evaluation instrument approved by CLEET, and the instrument will be administered in conjunction with training in Phase I required by the Bail Enforcement and Licensing Act.

(1) The Bail Enforcer training school shall administer the instrument in accordance with the instructions of the instrument.

(2) The Bail Enforcer training school shall forward the response data to a psychologist of the applicant's choice, so long as the psychologist is licensed by the Oklahoma State Board of Examiners of Psychologists.

- (b) The applicant shall pay the cost of the psychological evaluation.
- (c) If the licensed psychologist is unable to certify the applicant's psychological capability to exercise appropriate judgment, restraint, and self-control, after evaluating the data supplied by the Bail Enforcer training school, the psychologist shall employ whatever other psychological measuring instruments or techniques deemed necessary to form a professional opinion. The use of any additional psychological measuring instruments or techniques requires a full and complete written explanation to CLEET, which must be received before a Bail Enforcer license may be issued.
- (d) The evaluating psychologist will forward a written psychological evaluation, on a form prescribed by CLEET, to CLEET within fifteen (15) days of the evaluation, even if the applicant is found to be psychologically at risk.
- (e) CLEET may utilize the results of the psychological evaluation for up to six (6) months from the date of the evaluation after which the applicant shall be reexamined.
- (f) A person who has been found by the psychologist to be at risk in the exercise of appropriate judgment, restraint, or self-control may not reapply for a Bail Enforcer license until at least one (1) year after the date of being found psychologically at risk.
- (g) Retired Peace Officers who have been certified by CLEET shall be exempt from the psychological evaluation requirement for a period of one (1) year from the date of retirement as determined by the law enforcement Agency from which the officer retired; provided there is no evidence of an inability to exercise appropriate judgment, restraint, and self-control during prior active duty as a law enforcement officer and upon subsequent retirement.

Retired Peace Officers who are not exempt from this section and who have previously undergone treatment for a mental illness, condition, or disorder which required medication or supervision, as defined by paragraph 7 of Section 1290.10 of Title 21 of the Oklahoma Statutes, shall not be eligible to apply for a Bail Enforcer license except upon presentation of a certified statement from a licensed physician stating that the person is no longer disabled by any mental or psychiatric illness, condition, or disorder.

### **390:60-5-8. Additional Testing and Evaluation**

- (a) CLEET may require additional psychological or medical testing to be administered and evaluated by a state licensed psychologist, licensed psychiatrist or licensed medical doctor to determine an individual's ability to exercise judgment and safety for the type of license desired.
- (1) The physician will complete a form prescribed by CLEET.
- (2) The applicant shall bear the cost of additional testing and evaluation necessary to determine the suitability of the applicant for a license.
- (b) Applicants must wait one year to be retested if found by the evaluating psychologist, psychiatrist, or medical doctor to be at risk.

## **SUBCHAPTER 7. DISCIPLINARY ACTIONS**

### **390:60-7-1. Failure to Obtain License**

- (a) Except as provided by law, no person, whether or not a resident of the State of Oklahoma, may be employed or operate as a Bail Enforcer until a license has been issued by CLEET.
- (b) When it has been determined that a person coming under the purview of this Act has failed to obtain an appropriate license or licenses, CLEET may generally take the following actions found in Appendix B of this Chapter to ensure compliance:

- (1) The person may be assessed a disciplinary penalty or fine, which shall be issued along with notification of non-compliance.
  - (2) The person shall submit properly completed application forms, associated materials, and the correct fees, within fifteen (15) days of receipt of the initial notification.
  - (3) If the person fails to comply with this section, CLEET shall notify the person of its intent to prosecute for non-compliance;
  - (4) CLEET shall then present the evidence of non-compliance to the appropriate District Attorney for consideration of prosecution.
- (c) If the person complies with the requirements of subsection (b), above, and upon payment in full of any disciplinary penalty or fine, the application may be accepted for processing. The application is still subject to the Rules governing applications.
- (d) Nothing in this Chapter shall be construed so as to prohibit or discourage CLEET, or any law enforcement Agency, from taking immediate, lawful action in the enforcement of the provisions of the Act, or other laws of the State of Oklahoma.

### **390:60-7-2. Grounds for Actions**

(a) CLEET may take a disciplinary action against a license issued under this Chapter, if the Licensee:

- (1) violates any provisions of the Bail Enforcement and Licensing Act or CLEET Rules;
- (2) practices fraud, deceit or misrepresentation;
- (3) commits an act which would disqualify the Licensee;
- (4) is convicted of a crime related to the practice of the occupation;
- (5) is willfully or grossly negligent in failing to comply with substantial provisions of federal law or state statute governing the practice of the occupation;
- (6) invades the privacy of a defendant without lawful authority;
- (7) divulges any information gained by the Licensee in the course of employment, unless as directed by the client, as permitted by law, or as required by statute or rule;
- (8) willfully makes a false report to any person;
- (9) attempts to locate, recover, or surrender a defendant without having in the Licensee's possession a certified copy of the undertaking or bail bond contract;
- (10) carries any firearm or weapon in the recovery of a defendant without a valid Armed Bail Enforcer license;
- (11) carries any firearm or weapon when wearing Bail Enforcer apparel and not actively engaged in the recovery of a defendant, unless provided otherwise by the Act and these Rules;
- (12) points, displays, brandishes, or discharges a firearm or weapon in the recovery of a defendant without lawful authority and training as provided by statute and Rules;
- (13) administers a noxious substance without lawful authority and training as provided by statute and Rules;
- (14) unlawfully enters the dwelling house, structure, property, or vehicle of a defendant or a third party;
- (15) improperly uses force against a defendant or third-party;
- (16) disobeys any local ordinance, state, federal, or tribal law, including traffic laws, in attempting to locate, recover, or surrender a defendant;
- (17) makes any erroneous or false statement in an application for a license;
- (18) fails to successfully complete any prescribed course of training and testing;

(19) is convicted of, or enters a plea of guilty or no contest, to any crime listed in the Bail Enforcement and Licensing Act;

(20) uses any beverage containing alcohol while armed with a firearm or other weapon;

(21) impersonates a law enforcement officer;

(22) is charged in a court of competent jurisdiction with any crime involving a minor.

(b) A certified copy of a Judgment and Sentence, or of an Order Deferring Imposition of Judgment and Sentence, or of a plea of guilty or no contest shall be considered clear and convincing evidence of the court proceedings set out in the document.

(c) A certified copy of an Information or Indictment shall be considered clear and convincing evidence of institution of criminal charges involving a minor.

(d) The involuntary commitment of a Licensee in a mental institution or licensed private mental health facility for any mental illness, condition or disorder that is diagnosed by a licensed physician or psychologist as a substantial disorder of thought, mood, perception, psychological orientation, or memory that significantly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life. Provided, the license may be reinstated if at least one (1) year has passed since the date of involuntary commitment and upon the Council receiving notification of a psychological evaluation conducted by a licensed physician or psychologist which attests and states by affidavit that the Licensee and the evaluation test data of the Licensee have been examined and that, in the professional opinion of the physician or psychologist, the Licensee is psychologically suitable to return to duty as a Bail Enforcer.

### **390:60-7-3. Possible Disciplinary Actions Against Licensees**

(a) Pursuant to the Act, CLEET shall have the responsibility and authority to investigate alleged violations of the Act and of the Rules of this Chapter. These investigations may result in one or more of the following classifications of actions to be taken against a Licensee:

(1) Written reprimand, without probation;

(2) Written reprimand, with probation;

(3) Suspension of license;

(4) Revocation of license;

(5) Denial of license application;

(6) Non-renewal of license;

(7) Arrest; and/or

(8) Disciplinary penalty or fine found in Appendix B of this Chapter.

(b) The following, in addition to all other laws, Rules and regulations shall constitute unacceptable practices for licensed Bail Enforcers possibly subjecting the violator(s) to administrative actions.

(1) Failure to provide written reports/summaries of activities to clients, when requested.

(2) Providing false or misleading information to a client, or to CLEET.

(3) Giving false statements, oral, written or otherwise to any member of the CLEET staff or any law enforcement officer in this state.

(4) Failing to maintain good moral character.

(c) Complaints of violations subject to investigation may be made in person, by telephone, or in writing to CLEET.

### **390:60-7-4. Disciplinary Penalties and/or Fines**

- (a) CLEET may impose a disciplinary penalty or fine, pursuant to Appendix B of this Chapter, for violations of the Bail Enforcement and Licensing Act, or the Rules promulgated hereunto, not to exceed five-thousand dollars (\$ 5,000.00) per offense, if CLEET determines that such action better serves the purpose of this chapter than another disciplinary sanction.
- (b) If, upon investigation, CLEET determines a violation has occurred, CLEET may issue a citation to the Licensee or other person. The citation shall be in writing and shall describe the nature of the violation, including specific reference to the provision of the law or rule determined to have been violated.
- (c) The citation shall inform the Licensee or person that he or she is to contact CLEET within 15 days of receipt of the citation for disposition in one of the following manners:
- (1) To pay any disciplinary penalty or fine.
  - (2) To contest the findings of the violation, and request a review by a Hearing Examiner, in accordance with statute and Rules provisions. Any request for a hearing must be in writing, with an original signature.
- (d) Disciplinary penalties and fines will be assessed according to the schedule provided in Appendix B of this Chapter, or assessed by the Hearing Examiner on a case-by-case basis.
- (e) If the Licensee or person does not make disposition within 15 days of receipt of the citation, CLEET may:
- (1) initiate an action for revocation against the Licensee
  - (2) refer the matter to the appropriate District Attorney for consideration of charges.
  - (3) defer collection of the fine until the time of renewal of the license, and deny renewal of the license until all final fines are paid in full.

### **390:60-7-5. Notification of change of name or address or telephone number**

- (a) Bail Enforcers must maintain with CLEET current office and residential addresses and must notify CLEET in writing of any change of address.
- (b) Bail Enforcers must notify CLEET of any change of name. Notification of change of name shall include certified copies of any marriage license or court document which reflects the change of name, and an original, signed, request that the name be changed in CLEET records.
- (c) Notice of change of name or address or telephone number must be made within ten (10) days of the effected change. Notices will not be accepted over the phone.
- (d) Any change in address must include both the physical location (Street Address) and the mailing address, if different.
- (e) Failure to notify CLEET of business address changes, business telephone changes, or residential address changes, in accordance with the provisions of this Section, shall be considered a violation and may result in CLEET disciplinary action.

### **390:60-7-6. Reinstatement of License**

- (a) A Bail Enforcer license that has been revoked may not be reinstated.
- (b) If a Bail Enforcer license has been suspended, the Licensee may apply for reinstatement after the term of suspension has passed.
- (1) The applicant for reinstatement must show that all other qualifications for licensing have been met.
  - (2) An application for reinstatement must be accompanied by a non-refundable fee in the amount set out in the Bail Enforcement and Licensing Act.

**390:60-7-7. Notification of Legal Proceedings Against Licensee**

(a) All criminal proceedings initiated against a Licensee shall be reported by the affected Licensee to CLEET immediately, upon arrest or discovery of the filing of such proceeding. All Licensees shall be required to report when a Victim's Protective Order has been issued against the Licensee, including such orders issued on an emergency or ex parte basis and all Final Orders of Protection.

(b) All civil proceedings initiated against a Licensee related to matters under the purview of the Act shall be reported to CLEET no later than ten (10) days after the Licensee is served with notice of said proceeding.

(c) This notifications referenced above must be in writing and provide, at a minimum, the following information:

- (1) name and license number of the reporting Licensee;
- (2) nature of the proceeding;
- (3) court in which proceeding has been filed;
- (4) docket or case number;
- (5) parties to the proceeding;
- (6) original signature of the reporting Licensee.

(d) Failure to give notice pursuant to the Rules of this Chapter may be cause for CLEET to initiate a disciplinary against the Licensee.

**390:60-7-8. Reporting the Discharge of Firearms (59 O.S. § 1350.15)**

(a) The discharge of a firearm by a Licensee shall be reported by phone immediately by the Licensee to CLEET. If the discharge of a firearm happens at times other than during normal CLEET operating hours, calls and reports shall be made the next working day to CLEET. The telephonic report shall include:

- (1) name and license number of Licensee discharging firearm;
- (2) name and contact information of the entity who hired the licensee;
- (3) location of incident;
- (4) a brief narrative of what happened;
- (5) whether death, personal injury, or property damage resulted;
- (6) whether the incident is being or was investigated by a law enforcement Agency, and if known, the name of the investigating Agency.

(b) CLEET, when deemed appropriate, may immediately proceed to the scene and investigate.

(c) The involved Licensee must complete a separate written report, known as a "Report of Firearm Discharge", to be forwarded by the Licensee to CLEET within twenty-four (24) hours after the firearms discharge incident. This is an individual obligation of the Licensee and the Licensee may not rely on any other entity to submit the required reports.

**SUBCHAPTER 9. LICENSE REQUIREMENTS**

**390:60-9-1. Insurance**

(a) Licensed Bail Enforcers shall be individually responsible for obtaining and maintaining their own liability insurance or surety bond that allows persons to recover for actionable injuries, loss, or damage resulting from the willful, or wrongful acts or omissions of the licenses and protects this State, its agents, officers, and employees from judgments against the Licensee, and is further conditioned upon the faithful and honest conduct of the Licensee.

(b) The liability insurance policy or surety bond required in this subsection shall be in the minimum amount of ten thousand dollars (\$10,000.00).

(c) No bail enforcement license shall be valid when the Licensee fails to maintain the prescribed liability coverage. A violation of the Rules of this subchapter will constitute cause for immediate suspension or revocation of a license, and/or a disciplinary penalty or fine.

(d) Proof of insurance shall be provided CLEET by submitting a certificate of insurance, such as the Accord Form; or a copy of the policy, or a copy of the bond; or a letter from the issuing company. Regardless of the method chosen, the proof submitted shall at least contain the following information:

(1) Name of insured

(2) Name and address of insurer

(3) Policy limits, coverages, and amounts

(4) Effective dates of policy

(5) If covered by a bond, the original bond proof of coverage must include an original or copy of the Notification of Bond and Power of Attorney. Proof of renewal of the bond does not require a copy of the Power of Attorney, only submission of the Notification of Bond.

(e) Any company providing insurance or surety bonds must be licensed and authorized to do business in the State of Oklahoma.

(f) Liability insurance policies or bonds issued pursuant to this subchapter shall not be modified or canceled unless ten (10) days' prior written notice is given to CLEET. It is the duty of each Licensee to see that the liability insurance policy or bond contain such a provision.

### **390:60-9-2. Renewal of License**

(a) A renewal license will be issued only after CLEET receives a properly completed request for renewal, along with the renewal fee prescribed by the Bail Enforcement and Licensing Act, two (2) current passport-sized photographs, verification of current insurance or bond coverage, verification of the minimum hours of continuing education training for the license period, and any further documentation required by CLEET to assure compliance with the Act.

(b) A Licensee who has timely submitted a request for renewal with payment and has failed to meet the minimum training requirements will be issued official notification of CLEET's intent to impose a disciplinary sanction, possibly including non-renewal of the license, for failure to meet the mandated training requirements.

(c) A Licensee who has failed to meet the minimum training requirements and continues to work or perform services as a Bail Enforcer will be subject to disciplinary action under the Act.

### **390:60-9-3. Inactive License**

Upon written notice, with an original signature, any license may be placed on inactive status

### **390:60-9-4. Individual identification cards or certificates**

(a) An identification card or certificate will be issued to all Licensees. This card or certificate shall clearly indicate that the Licensee is authorized by the State of Oklahoma to conduct business as a Bail Enforcer or a Bail Enforcement Agency

(1) The identification card or other CLEET document shall not be altered or defaced in any manner.

(2) The Licensee shall not knowingly allow any other person to carry or use the Licensee's identification card or other CLEET document for any purpose.

(3) The Licensee shall carry the identification card on his or her person at all times while acting within the course and scope of employment as a Bail Enforcer.

(4) The Licensee shall present the identification card upon demand, for inspection by any person, unless the circumstances are such that showing the identification card would cause a danger to the Bail Enforcer or to another person. If presenting the identification card would cause a danger to the Bail Enforcer or to another person, the identification shall be presented at the next reasonably safe opportunity.

(5) The identification card must be presented, upon demand, for inspection by a law enforcement officer or by a representative of CLEET.

(6) All identification cards or licenses or certificates or other CLEET documents are the property of CLEET, and not the property of the Licensee, and the Licensee shall surrender the identification card to the Executive Director or designee upon written notice.

(7) The Bail Enforcer must carry on the person a valid driver license or a state-issued photo identification card and CLEET authorized badge when performing the functions and services of a Bail Enforcer.

(b) Licensees shall maintain a copy of the current individual identification card, and any correspondence to or from CLEET, at the place of business shown in CLEET records.

### **390:60-9-5. Lost or damaged licenses or identification cards**

Duplicate licenses and identification cards may be issued to active, current Licensees upon written request, with an original signature, and payment of the fee as specified by the Bail Enforcement and Licensing Act. An applicant for a duplicate license must provide any documents required by CLEET.

### **390:60-9-6. Office and contact information requirements**

(a) A Bail Enforcer must maintain an office at a physical address in this State and in the County where the Bail Enforcer will maintain his or her records.

(1) The location must have a physical address, be accessible to the public, and open for reasonable business hours. The Bail Enforcer shall supply CLEET a current photograph of the front of the business location.

(2) This individual Bail Enforcer office may be maintained at the personal residence of the Bail Enforcer. The fact that a business is located at a personal residence does not excuse compliance with these Rules. The address is a matter subject to disclosure as provided in these Rules, even if the office is located at the personal residence of the Bail Enforcer.

(3) A Post Office box is not considered a physical address for purposes of these Rules.

(b) A Bail Enforcer must have an operating telephone with a phone number, in the name of the Bail Enforcer, that is publically available and is published in a local directory in the city or county where the physical address is located. The correct phone number must be on file with CLEET. The telephone service for the Bail Enforcer must be primarily installed at the office location.

(c) The files related to the Bail Enforcer operations must be maintained at the office location, in a form readily accessible for inspection by CLEET as provided in these Rules.

### **390:60-9-7. Training Requirements**

(a) Training requirements for unarmed Bail Enforcers shall be not less than forty (40) hours of instruction which shall be in addition to the Phase I, II, and III training requirements.

(b) Training requirements for armed Bail Enforcers shall be the same as for unarmed Bail Enforcers plus Phase IV firearm and weapons training.

### **390:60-9-8. Continuing Education**

(a) Continuing education training (sometimes called ‘mandated training’ in these Rules) is required for renewal of a Bail Enforcer license.

(b) Bail Enforcers must complete a minimum of twenty four (24) hours of continuing education training from an approved source, during the licensing period, to maintain their license.

(c) A person holding a security guard license and private investigator license and a Bail Enforcer license or a combination license must complete a total of twenty four (24) hours of continuing education training from an approved source, during the licensing period, to maintain their license.

(d) All mandated training is to be reported to CLEET, on forms approved by CLEET. The entity offering the mandated training may report the attendance to CLEET, but it is still the personal responsibility of the individual Licensee to assure that mandated training is reported to CLEET.

(e) Any expenses incurred for continuing education courses by any Licensee shall be the responsibility of the Licensee.

(f) Firearms requalification courses will not count towards mandated training.

(g) Approved sources for mandated training are:

(1) College credit hours. Fifteen (15) hours of mandated training credit will be granted for each successfully completed college hour. The Licensee requesting credit must provide a certified copy of the grade report. Requests for credit must be submitted within one (1) calendar year from the date the college credit is obtained;

(2) Established Entities (Recognized county, state, and federal associations, professional associations, vocational-technical schools). One hour of training will be granted for each hour attended in a topic which directly relates to the performance of duties under the Bail Enforcer license;

(3) One hour of mandate training credit will be granted for each hour of instruction. For approval to conduct mandated training, sponsors must:

(A) Submit a written request for program registration to CLEET;

(B) Provide course outline, and course objectives, if requested by CLEET;

(C) Provide resume for instructors, if requested by CLEET; and

(D) Keep course outlines, and course objectives and resumes for instructors, for review by CLEET or others.

(E) No advertisement or roster may use the name ‘Council on Law Enforcement Education and Training’ or ‘CLEET’ except to note that the class is ‘registered with CLEET for number of hours of mandated training credit.’

(F) All advertisements must include the disclaimer provided by CLEET.

(G) After training, the provider must submit a roster of attendees completing the training to CLEET. This provision does not remove or alter the requirement that the individual Licensee assure that mandated training is properly reported to CLEET.

(h) Completion of training courses required for initial licensing will satisfy the continuing education requirements for the first licensing period of an initial license.

(i) A Licensee will be subject to any of the following disciplinary sanctions for failure to comply with the mandate training requirements:

(1) Written Reprimand;

(2) Denial of a license or renewal of a license;

(3) Suspension of a license;

(4) Revocation of a license;

(5) Disciplinary penalty or fine.

(j) If a final fine is assessed and is not paid, CLEET will not renew the license until the past-due fine is paid in full, in addition to the sanctions set out above.

## **SUBCHAPTER 11. RESTRICTIONS**

### **390:60-11-1. Advertising (59 O.S. § 1350.12)**

(a) Licensees may use the phrase "Licensed by the State of Oklahoma" on stationery, business cards, and advertisements

(b) Licensees may not use any facsimile, reproduction, or pictorial, portion of the Great Seal of the State of Oklahoma on any badge, credentials, stationery, identification card, business card, advertisement, or other means of identification used in connection with any activities regulated under the Bail Enforcement and Licensing Act.

(c) Licensees may not use the words 'Council on Law Enforcement Education and Training' or the word 'CLEET' and may not use the CLEET Seal on any stationery, business cards, or advertising.

(d) Persons licensed solely as Bail Enforcers may not advertise their services under any name other than the name appearing on the Bail Enforcer license.

(e) Persons licensed solely as Bail Enforcers may not use stationery or business cards with any name other than the name appearing on the Bail Enforcer license.

(f) Persons licensed solely as Bail Enforcers may not use advertisements or stationery or business cards that include a telephone number that does not belong to the Bail Enforcer.

(g) Persons licensed solely as Bail Enforcers may not use advertisements or stationery or business cards that would appear to a reasonable person to be an advertisement for, or endorsement of, any bail bondsman.

(h) Any violation shall be a violation of the Bail Enforcement and Licensing Act which is punishable as provided in the act and CLEET Rules, or the violator may be prosecuted for false impersonation of an officer.

### **390:60-11-2. Uniforms and markings**

All uniformed, licensed Bail Enforcement personnel shall conform to the following requirements regarding the bail enforcement uniform:

(1) The words "Bail Enforcer", shall be visibly displayed in a prominent manner.

(2) Licensees shall not wear a uniform, insignia, badge, etc., that would lead a reasonable person to believe that the Licensee is connected with federal, state, local, or tribal government.

(3) A Licensee may not use a fictitious name in the recovery of a defendant.

### **390:60-11-3. Badges**

(a) Pursuant to the Bail Enforcement and Licensing Act, CLEET may designate an authorized badge. The intent of these requirements is to:

(1) Make the badge easily recognizable as designating a Bail Enforcer

(2) Make the badge easy to distinguish from a badge worn by a law enforcement officer

(3) Make the information on the badge legible.

(b) Badge Requirements:

(1) The badge must be made of sturdy metal, gold in color.

(2) The badge must be square, with sides of no less than two (2) inches in length, and no larger than three (3) inches in length.

(3) The badge may have a circle encompassing a scales of justice device in the middle of the badge.

(4) For a Bail Enforcer, the badge must have only the words 'Oklahoma Bail Enforcer' and the license number.

(5) For an armed Bail Enforcer, the badge must have only the words 'Oklahoma Armed Bail Enforcer' and the license number.

(6) All writing must be in block letters and easily readable

(7) A Licensee may not display any badge or identification card bearing the words "police", "deputy", "detective", "officer", "agent", "investigator", "fugitive agent", "recovery agent", "enforcement officer", "bounty hunter", "bail agent", or "recovery detective" or use any other words or phrases that imply that such person is associated with law enforcement or a government Agency.

(8) The badge must be in the possession of the Bail Enforcer, and visibly displayed, during the recovery of a defendant.

(c) Any violation shall be a violation of the Bail Enforcement and Licensing Act which is punishable as provided in the act and CLEET Rules, or the violator may be prosecuted for false impersonation of an officer.

### **390:60-11-4. Use of Vehicles**

Every Bail Enforcer vehicle shall conform to the following requirements:

(1) A Bail Enforcer vehicle may not be equipped with a siren, a lamp with a red or blue lens, or an overhead light or lights with red or blue lenses.

(2) If the Bail Enforcer vehicle is marked, the words "Bail Enforcer" shall appear on each side and the rear of the vehicle in letters of no less than three (3) inches in height, and readable from a reasonable distance.

(3) If the Bail Enforcer's vehicle is marked, the state license number shall be displayed on each side and the rear of the vehicle in characters of no less than three (3) inches in height and readable from a reasonable distance.

(4) A Bail Enforcer vehicle shall not bear any colors or markings or exterior equipment similar to colors or markings or exterior equipment of an authorized law enforcement vehicle in this State, or any political subdivision of this State.

(5) A Bail Enforcer vehicle may not be marked with any fictitious name.

(6) A Licensee may not mark any vehicle with the words "police", "deputy", "detective", "officer", "agent", "investigator", "fugitive agent", "recovery agent", "enforcement officer", "bounty hunter", "bail agent", or "recovery detective" or use any words or phrases that imply that such person is associated with law enforcement or a government Agency.

### **390:60-11-5. Authorized Weapons**

(a) The Bail Enforcer and licensing Act is not intended to be used as a means to obtain authority to carry a weapon except in the course and scope of gainful employment as an armed Bail Enforcer.

(1) When actively engaged in the recovery of a defendant an Armed Bail Enforcer may carry a firearm concealed or unconcealed.

(2) If carrying a firearm when engaged in the recovery of a defendant an Armed Bail Enforcer must comply with the following:

(A) the firearm must be the approved pistol.

(B) the Armed Bail Enforcer must be wearing apparel clearly marked to designate the person as a 'Bail Enforcer' as set out in the CLEET Rules.

(C) the CLEET authorized Bail Enforcer badge must be affixed to chest of the uniform or to the holster or belt immediately next to the firearm.

(b) When not actively engaged in the recovery of a defendant, an Armed Bail Enforcer is permitted to carry a concealed firearm.

(c) If carrying a concealed firearm when not actively engaged in the recovery of a defendant, an Armed Bail Enforce must have in his or her immediate possession the following:

(1) the CLEET authorized Bail Enforcer Badge

(2) the Armed Bail Enforcer License card

(3) a state-issued driver license or identification card

(d) An armed Bail Enforcer Licensee may not carry an inoperative, unsafe, or replica model firearm while on duty or any firearm in violation of a federal or state law, while in the course and scope of his or her employment.

(e) No armed Bail Enforcer shall carry a type of firearm which the Bail Enforcer has not been formally trained to handle and operate. Formal training must be conducted by an accredited and recognized firearms instructor and training program. Compliance with this requirement is incumbent upon the Licensee and notification to CLEET shall be required by submitting a certificate of training or a copy thereof upon completion of said training. Said notification shall include:

(1) Type of firearm

(2) Name of instructor, and entity, if any, providing training

(3) Number of training hours

(4) Qualification scores

(5) Date(s) of training

(f) The only firearms authorized by CLEET for use by armed Bail Enforcers are revolvers, and semi-automatic handguns. The prescribed revolver or semi-automatic handgun ammunition shall be "factory-loaded". Ammunition commonly referred to as "re-loads" is strictly prohibited for use as service ammunition.

(g) No Licensee shall brandish, point, exhibit, or otherwise display a firearm at anytime, except as authorized by law, and the Rules of this subchapter.

### **390:60-11-6. Use of Force**

(a) Since the use of force is limited by statute, a Bail Enforcer may use force only when:

(1) the Bail Enforcer has made a lawful command for the defendant to surrender and the defendant has refused to obey; OR

(2) the Bail Enforcer must use force to defend the Bail Enforcer or another from injury or threat or injury while recovering a defendant.

(b) Any force used may not be more than sufficient to prevent an offense.

(c) No force may be used which is more than sufficient to temporarily restrain a defendant who has refused to obey a lawful command to surrender to the licensed Bail Enforcer.

(d) The manner and duration of force used by a Bail Enforcer may not be more than that reasonably necessary to surrender the defendant to a public officer competent to receive the defendant into custody.

### **390:60-11-7. Entry Into Dwellings**

(a) Any entry into a dwelling house of a defendant or a third-party, which violates the provisions of the Bail Enforcement and Licensing Act may be punished as burglary in the first degree as provided in Title 21 O.S. § 1436 (or amendments of said statute).

(b) A Bail Enforcer may enter a dwelling house for purposes of discovering or recovering a defendant when the Bail Enforcer has received consent to enter the dwelling house from a person who is capable and competent to give such consent. The Bail Enforcer must show the existence of lawful consent.

(c) A Bail Enforcer may also enter a dwelling house without consent for purposes of discovering or recovering a felony defendant only when:

(1) The Bail Enforcer has first-hand knowledge that the defendant has entered the dwelling house and the defendant has refused a lawful and reasonable request of the Bail Enforcer to surrender. (For purposes of entry into a dwelling house by a Bail Enforcer, the term ‘First-hand knowledge’ means ‘information received from direct eye-witness testimony, actual visual contact with and confirmed identification of the defendant by a person who knows the defendant or resides at the dwelling house, or other factual evidence provided directly to the licensed Bail Enforcer that confirms the identity and presence of the defendant within the dwelling house’); OR

(2) the Bail Enforcer has knowledge beyond a reasonable doubt that the defendant is currently in the dwelling house and the defendant has refused a lawful and reasonable request of the Bail Enforcer to surrender.

## **SUBCHAPTER 13. PRIVATE BAIL ENFORCER SCHOOLS**

### **390:60-13-1. Private School Accreditation**

(a) All schools, school coordinators, and instructors approved by CLEET to conduct Bail Enforcer training shall do so in accordance with the Act and all applicable CLET Rules.

(b) The CLEET approved curricula for Bail Enforcer training was developed and validated by the Oklahoma State Department of Vocational and Technical Education, under the direction of the Oklahoma Department of Public Safety, the Council on Law Enforcement Education and Training, and representatives from the fields of industrial security and private investigation and bail enforcement. No additions, deletions, or revisions shall be made to the approved curricula without first obtaining the express permission of CLEET.

(c) Training schools wishing to implement Bail Enforcer training must meet the minimum standards for school coordinators, instructors, training facilities, and curriculum, as set forth in these Rules, to ensure a consistent training program throughout the State of Oklahoma.

(d) Fees for training schools shall be as set in the Oklahoma Bail Enforcement and Licensing Act.

(e) The approved Bail Enforcer training program includes three (3) courses of instruction, each related to the type of license sought. These courses are divided into five (5) training phases:

(1) Phase 1 - A course of instruction related to general private security or bail enforcer tasks.

(2) Phase 2 - A course of instruction specifically related to the tasks of unarmed security guards and unarmed bail enforcers.

(3) Phase 3 - A course of instruction specifically related to the tasks of private investigators and bail enforcers.

(4) Phase 4 "Firearms" - A course of instruction and familiarization in the care, handling, and firing of revolvers or semi-automatic handguns.

(5) Phase 5 – A course of instruction specifically related to the tasks of Bail Enforcers.

(f) Specific instructional objectives, lesson plans, and examinations for each training phase are published by the Department of Vocational and Technical Education, in manual form.

(g) Bail Enforcer license applicants must successfully complete Phase 1 - and Phase 2 - "Security Guard", and Phase 3 – "Private Investigator", and Phase 5 – "Bail Enforcer". This shall be known as the Bail Enforcer Training Course.

(h) Armed Bail Enforcer License applicants must successfully complete Phase 1, Phase 2, Phase 3, Phase 4, and Phase 5. This shall be known as the Armed Bail Enforcer Training Course.

(i) Each Bail Enforcer must be trained on the use of force continuum and the Rules for use of force.

### **390:60-13-2. Schools, School Coordinators, and Instructors**

(a) Unless otherwise provided in CLEET Rules, CLEET shall recognize only those training courses that are conducted at approved schools. Approval to conduct Bail Enforcer training may be requested by making written application to the Director.

(b) Approval to conduct Bail Enforcer training courses shall be subject to the following requirements.

(1) Approved private schools must be licensed by the Oklahoma Board of Private Vocational Schools.

(2) Private security training courses must be conducted under the coordinating supervision of a person with professionally recognized training or experience in developing and managing training programs. School coordinators shall submit a resume of related education, training, instructional experience, and work experience. School Coordinators may also be approved as instructors.

(3) Bail Enforcer student/instructor class ratios shall not exceed forty (40) to one (1); However, firearms instructor-to-shooter ratios shall be not less than one (1) to five (5).

(4) Training units (classes) must be taught by approved instructors.

(c) Instructor qualifications shall be based upon training, education, teaching experience, and work experience, but shall minimally include:

(1) One of the following:

(A) A minimum of two (2) years supervisory experience with a legally recognized security or investigative or Bail Enforcement Agency; or

(B) A minimum of two (2) years continuous experience as a full-time certified law enforcement officer; or

(C) A minimum of one (1) year of experience as an instructor at an accredited educational institution in the subject matter for which approval is requested, or in a related field.

(2) Completion of a curriculum orientation workshop conducted by the State Department of Vocational and Technical Education.

- (d) Firearms instructors must be currently certified as a law enforcement or private security firearms instructor, by CLEET, the Federal Bureau of Investigation, the National Rifle Association, or other professionally recognized organizations.
- (e) Instructors for Phase 3 - "Private Investigator" courses shall submit additional evidence as to their training or experience relating to the Phase 3 curriculum.
- (f) Instructors for Fire Safety must be certified by the accrediting authorities in those fields.
- (g) Approved schools will be subject to review and inspection by CLEET staff. Training facilities shall meet local and state fire and safety standards. Facilities shall provide a comfortable environment for students and instructors, with minimal learning distractions. Facility and equipment standards shall be consistent with the standards set forth below:
- (1) Classrooms of at least ten (10) square feet per student enrolled;
  - (2) Classrooms adequately lighted, heated, and cooled;
  - (3) Telephones are accessible;
  - (4) Restrooms are accessible;
  - (5) Audio/visual equipment is available (projection equipment, chalkboards, etc.);
  - (6) Firearms training facilities shall minimally provide:
    - (A) Protective backstop;
    - (B) 5 firing points;
    - (C) 3, 5, 7, 15, and 25 yard firing lines;
    - (D) Public address system;
    - (E) Restroom facilities;
    - (F) Accessible telephone;
    - (G) First Aid supplies;
    - (H) Protective equipment for eyes and ears.
  - (7) Indoor firearms training facilities shall minimally provide:
    - (A) Protective backstop;
    - (B) A minimum of 3 firing points;
    - (C) 3, 5, 7, 15, 25 yard firing lines. An indoor firing range may include reduction targets for weapons fired at fifty (50) feet to simulate weapons fired at seventy-five (75) feet);
    - (D) Public address system;
    - (E) Restroom facilities;
    - (F) Accessible telephone;
    - (G) First Aid supplies;
    - (H) Protective equipment for eyes and ears.
  - (8) Firearms training facilities must meet the minimum requirements as set forth in the OSHA Code of Federal Regulations, lead standards;
    - (A) 29 CFR 1910.1025 (C) Permissible Exposure Limit
    - (B) 29 CFR 1910.1025 (D) Exposure Monitoring
    - (C) 29 CFR 1910.1025 (D)(9) Accuracy of Measurement
    - (D) CRF 29 1910.1025 (D)(5)(11) Mechanical Ventilation for Compliance.
  - (9) Firearms training facilities must supply an annual exposure monitoring report. The monitoring can be conducted by either private firms or by the OSHA Consultation Division of the Department of Labor;
  - (10) Firearms used for approved firearms training shall be consistent with those described in CLEET Rules. Handguns shall be limited to revolvers in a minimum of .38 and .357 or larger caliber or semi-automatic handguns in a minimum of 9mm or larger caliber.

(11) Approved schools which intend to conduct Phase 4 "Firearms" training must show proof that a firearm training facility is:

(A) Owned and managed by the school itself; or

(B) Being used pursuant to a written agreement with the owner of the facility.

(h) Schools approved to conduct the private security and investigative and Bail Enforcer training courses required for licensing purposes must:

(1) offer these courses as separate courses, independent of any other training course or hours;

(2) separately charge a fee for these courses, if a fee is charged;

(3) advise students that participation in other training programs is not required for licensing;

and

(4) refrain from using any statements of training being "CLEET Certified".

(i) Completion of CLEET mandated Basic Peace Officer training or reserve officer training, pursuant to Title 70, Section 3311, may be considered as comparable training for firearms training purposes.

(j) Bail Enforcer training conducted by any school without the prior approval of CLEET shall be considered null and void, and not in compliance with the provisions of this Act, and these Rules and regulations.

### **390:60-13-3. Attendance and Administrative Requirements**

(a) School coordinators shall provide the following information to CLEET, thirty (30) days in advance of each training course conducted, on forms to be provided by CLEET:

(1) Training facility location;

(2) Chief Administrative Officer of the school;

(3) School coordinator and resume;

(4) Course schedule, to include dates, hours and instructors for each unit of instruction; and

(5) Resumes on all Instructors.

(b) Any changes in an approved school curriculum, instructors, or training schedules, shall be reported to CLEET in advance of the changes.

(c) Bail Enforcers and Bail Enforcer applicants enrolled in an approved training school are required to attend all prescribed units of instruction. Tardiness and absenteeism will not be permitted. Students will be required to make up any training missed.

(d) Students enrolled at an approved school must comply with the Rules and policies promulgated by the school and any Rules established by, and within the authority of the school coordinator. If a school coordinator considers violations of such Rules to be detrimental to the welfare of the school, the school coordinator may expel offending individuals from the school. Notification of such actions shall be reported immediately to CLEET. School coordinators shall be responsible for ensuring compliance with the provisions of these Rules and regulations.

(e) At the end of each training course, each student shall be given the opportunity to evaluate the performance of the school coordinator and each instructor on a form provided by CLEET. CLEET staff may conduct these evaluations, at their discretion.

(f) School coordinators shall submit a roster of graduating students, certifying that each student has met the requirements of the course conducted. This certification shall be submitted to CLEET within seven (7) days after the completion of the course, on a form provided by CLEET.

(g) Each training school coordinator will be required to maintain class files for a period of five (5) years from the completion date of each course conducted. Class files shall contain the following:

- (1) Roster of students who attended and/or successfully completed the course;
- (2) Accurate attendance records;
- (3) Examination scores (including firearms familiarization scores), and
- (4) Unit instructors.

(h) Applicants must successfully complete a licensing examination administered by CLEET, based on the official curricula, prior to issuance of a license.

- (1) Applicants will be given five opportunities to successfully complete the state licensing examination.
- (2) If the applicant is unable to successfully pass the examination after three (3) attempts, the applicant must retake the course.
- (3) After repeating the course, applicants will be given two opportunities to successfully pass the examination.

(i) Training costs will be paid by the applicant.

#### **390:60-13-4. Revocation or Suspension of Private Security School Accreditation**

CLEET may impose disciplinary penalties and fines and/or suspend or revoke the approved status of a school, a school coordinator, or an instructor for good cause, and upon written notification. Such notification shall contain the reasons for disciplinary penalties and fines and/or suspension or revocation. These reasons may include:

- (1) Use of non-approved curricula or other instructional materials;
- (2) Use of false or other misinformation in any application or other document submitted to CLEET;
- (3) Failure to make timely reports as required by CLEET Rules;
- (4) Failure to maintain records as required by CLEET;
- (5) Use of non-approved instructors;
- (6) Failure to cooperate fully with CLEET in its efforts to ensure compliance with the provisions with the Rules of this subchapter;
- (7) Violations of the Rules of this subchapter and other acts or omissions as prescribed by CLEET;
- (8) Falsification of student records or test information;
- (9) Failure to obtain approval from CLEET for instructor discretionary materials (films, student handouts, etc.).

#### **390:60-13-5. Appeals of Suspension or Revocation of Approved School Status**

Appeals of actions described above may be made by petitioning the Director for a hearing. Such appeals shall be conducted in accordance with the Oklahoma Administrative Procedures Act, and CLEET Rules.

## **APPENDIX A. DISQUALIFYING CONVICTIONS [NEW]**

In addition to those crimes specified in the Bail Enforcement and Licensing Act, the following is a list of additional crimes which may disqualify a person from obtaining or holding an unarmed or armed Bail Enforcer or Bail Enforcement Agency license:

1. Assault and Battery
2. Larceny (Petty or Grand)
3. Any sex offense
4. Any offense involving Controlled Dangerous Substances
5. Fraud
6. Extortion
7. Treason
8. Murder
9. Manslaughter
10. Forgery
11. Arson
12. Kidnapping
13. Perjury
14. Tax Evasion
15. Unauthorized use of a Motor Vehicle
16. Hijacking
17. Receiving or Possession of Stolen Property
18. Burglary
19. Smuggling contraband into a facility where prisoners are kept
20. Inciting or being involved with a riot
21. Any conviction of a civil rights violation
22. Desertion
23. Escape from jail, prison, or custody
24. Resisting Arrest
25. Assault or Assault and Battery upon Police Officer
26. False and Bogus Checks
27. Terrorist Activities
28. Assist in Suicide
29. An attempt to commit one of the above offenses.
30. Conspiracy to commit any of offenses listed herein
31. Accessory after the fact to any offenses listed herein
32. Entry of a Final Order of Protection against an applicant or Licensee.

**APPENDIX B. SCHEDULE OF FINES [NEW]**

| Description  | 1 <sup>st</sup> | 2 <sup>nd</sup> | 3 <sup>rd</sup> |
|--|-----------------|-----------------|-----------------|
| All violations subject to revocation   |                 |                 |                 |
| General Civil Penalty/Fine Provision for Violation of Any Rule Adopted by the Council or Statute | \$150.00        | \$300.00        | \$500.00        |
| Allowing any other person to carry or use individual identification card                         | \$250.00        | \$500.00        | Revoke          |
| Conducting or advertising business without valid insurance or bond                               | \$500.00        | \$1,500.00      | Revoke          |
| Conducting or advertising business without a valid license                                       | \$2,000.00      | Criminal        | Charges         |
| Employing unlicensed bail-enforcement persons – armed  | \$150.00        | \$250.00        | \$500.00        |
| Employing unlicensed bail-enforcement persons – unarmed  | \$100.00        | \$200.00        | \$500.00        |
| Failure to carry identification card while working   | \$50.00         | \$75.00         | \$100.00        |
| Failure to maintain physical address in Oklahoma   | \$50.00         | \$75.00         | \$100.00        |
| Failure to notify of address or phone change   | \$50.00         | \$75.00         | \$100.00        |
| Failure to notify of changes in owners, partners, corporation officers within 10 days            | \$50.00         | \$75.00         | \$100.00        |
| Failure to Notify of Insurance Cancellation  | \$50.00         | \$75.00         | \$100.00        |
| Failure to obtain approval for courses advertised as CLEET approved                              | \$500.00        | \$1,000.00      | \$1,500.00      |
| Failure to obtain mandated continuing education training   | \$50.00         | \$75.00         | \$100.00        |
| Failure to obtain special event license  | \$50.00         | \$75.00         | \$100.00        |
| Failure to Provide a list of licensed employees upon request                                     | \$500.00        | \$1,000.00      | \$1,500.00      |
| Failure to provide employment records upon request   | \$500.00        | \$1,000.00      | \$1,500.00      |
| Failure to provide proof of insurance by January 30 <sup>th</sup> of the new year                | \$50.00         | \$75.00         | \$100.00        |
| Failure to provide written reports or summaries to clients or the council                        | \$500.00        | \$1,000.00      | \$1,500.00      |
| Failure to report criminal proceedings initiated against a licensee                              | \$50.00         | \$75.00         | \$100.00        |
| Failure to report hirings and terminations within 5 days   | \$50.00         | \$75.00         | \$100.00        |
| Failure to show identification to law enforcement officer or CLEET official upon request         | \$500.00        | \$1,000.00      | \$1,500.00      |
| Firearms violation: Brandishing, pointing, or exhibiting a firearm                               | \$500.00        | \$1,500.00      | Revoke          |
| Firearms violation: Carrying unauthorized weapon   | \$100.00        | \$500.00        | \$1,000.00      |

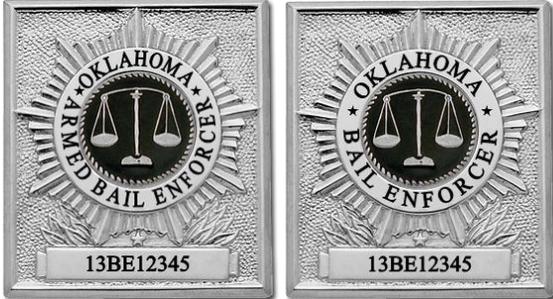
or ammunition

|   |            |            |            |
|---|------------|------------|------------|
| Firearms violation: Failure to report discharge within 24 hours                   | \$100.00   | \$500.00   | \$1,000.00 |
| Firearms violation: Inappropriate Discharge                                       | \$500.00   | \$1,000.00 | \$1,500.00 |
| Firearms violation: Involving drugs or alcohol                                    | \$1,000.00 | \$2,000.00 | Revoke     |
| Impersonating a local, state, or federal government employee                      | \$500.00   | \$1,000.00 | Revoke     |
| Impersonating a local, state, or federal government law enforcement officer       | \$1,000.00 | Revoke     |            |
| Impersonating a private investigator or guard                                     | \$500.00   | \$1,000.00 | \$1,500.00 |
| Insurance/Bond. Failure to obtain and maintain liability insurance or surety bond | \$500.00   | \$1,500.00 | \$2,000.00 |
| License Fee. Late filing fee for renewal of agency license                        | \$100.00   | \$100.00   | \$100.00   |
| License Fee. Late filing fee for renewal of individual license                    | \$25.00    | \$25.00    | \$25.00    |
| License Fee. Reinstatement fee of suspended agency license                        | \$100.00   | \$100.00   | \$100.00   |
| License Fee. Reinstatement fee of suspended armed individual license              | \$50.00    | \$50.00    | \$50.00    |
| License Fee. Reinstatement fee of suspended unarmed individual license            | \$25.00    | \$25.00    | \$25.00    |
| Out-of-state practitioners. Failure to obtain temporary license                   | Warning    | \$500.00   | \$1,000.00 |
| Performing service as a bail enforcer without a valid license                     | \$100.00   | Criminal   |            |
| Providing false or misleading information to a client or the council              | \$500.00   | \$1,000.00 | Revoke     |
| Schools. Failure to adhere to established standards.                              | \$500.00   | \$1,000.00 | Revoke     |
| Schools. Failure to cooperate in efforts to ensure compliance                     | \$500.00   | \$1,000.00 | Revoke     |
| Schools. Failure to maintain records required for 5 years                         | \$100.00   | \$250.00   | \$500.00   |
| Schools. Failure to obtain approved school status                                 | \$500.00   | \$1,000.00 | Revoke     |
| Schools. Failure to provide course completion notice within 7 days                | \$50.00    | \$75.00    | \$100.00   |
| Schools. Falsification of documents submitted to CLEET                            | \$1,000.00 | Revoke     |            |
| Schools. Use of non-approved curriculum or other instructional materials          | \$500.00   | \$1,000.00 | Revoke     |
| Schools. Use of non-approved instructors  | \$500.00   | \$1,000.00 | \$1,500.00 |
| State Seal. Improper use on badge, letterhead, or any display                     | \$250.00   | \$500.00   | Revoke     |
| Uniform. Allowing Bail Enforcers to work without proper identifying markings      | \$50.00    | \$75.00    | \$100.00   |

|  |          |          |          |
|--|----------|----------|----------|
| Vehicle. Operating a vehicle with red or blue lens covers  | \$150.00 | \$300.00 | \$500.00 |
| Vehicle. Violation of bail enforcer vehicle markings Rules | \$150.00 | \$300.00 | \$500.00 |

**APPENDIX C. BADGE EXAMPLES [NEW]**

Here are examples of acceptable badges. These photos are provided for guidance and convenience only.



A list of vendors offering the approved badge is available at CLEET.