

**ALEC EXPOSED**

"ALEC" has long been a secretive collaboration between Big Business and "conservative" politicians. Behind closed doors, they ghostwrite "model" bills to be introduced in state capitols across the country. This agenda--underwritten by global corporations--includes major tax loopholes for big industries and the super rich, proposals to offshore U.S. jobs and gut minimum wage, and efforts to weaken public health, safety, and environmental protections. Although many of these bills have become law, until now, their origin has been largely unknown. With **ALEC EXPOSED**, the Center for Media and Democracy hopes more Americans will study the bills to understand the depth and breadth of how big corporations are changing the legal rules and undermining democracy across the nation.

**ALEC's Corporate Board --in recent past or present**

- AT&T Services, Inc.
  - centerpoint360
  - UPS
  - Bayer Corporation
  - GlaxoSmithKline
  - Energy Future Holdings
  - Johnson & Johnson
  - Coca-Cola Company
  - PhRMA
  - Kraft Foods, Inc.
  - Coca-Cola Co.
  - Pfizer Inc.
  - Reed Elsevier, Inc.
  - DIAGEO
  - Peabody Energy
  - Intuit, Inc.
  - Koch Industries, Inc.
  - ExxonMobil
  - Verizon
  - Reynolds American Inc.
  - Wal-Mart Stores, Inc.
  - Salt River Project
  - Altria Client Services, Inc.
  - American Bail Coalition
  - State Farm Insurance
- For more on these corporations, search at [www.SourceWatch.org](http://www.SourceWatch.org).

& MEETINGS

**DID YOU KNOW?** Corporations VOTED to adopt this. Through ALEC, global companies work as "equals" in "unison" with politicians to write laws to govern your life. Big Business has "a VOICE and a VOTE," according to newly exposed documents. **DO YOU?**

Home → [Model Legislation](#) → Public Safety and Elections  
**Bail Fugitive Recovery Persons Act**

**Summary**

This Act will create standards of operation for those individuals who act as a bail recovery agent.

**Model Bill**

**Section 1. {Short Title}**

The article shall be known as the Bail Fugitive Recovery Persons Act.

**Section 2. {Definitions}**

For purposes of this article, the following terms shall have the following meanings:

(A) "Bail fugitive" means a defendant in a pending criminal case who has been released from custody under a financially secured appearance, cash, or other bond and has had that bond declared forfeited, or a defendant in a pending criminal case who has violated a bond condition whereby apprehension and reincarceration are permitted.

(B) "Bail" means a person licensed by the [insert name of state] Department of Insurance pursuant to Section [insert appropriate code] of the Insurance Code.

(C) "Depositor of bail" means a person or entity who has deposited money or bonds to secure the release of a person charged with a crime or offense.

(D) "Bail fugitive recovery person" means a person who is provided written authorization by the bail or depositor of bail, and is contracted to investigate, surveil, locate, and arrest a bail fugitive for surrender to the appropriate court, jail, or police department, and any person who is employed to assist a bail or depositor of bail to investigate, surveil, locate, and arrest a bail fugitive for surrender to the appropriate court, jail, or police department.

**Section 3. {Main Provisions}**

(A) No person, other than a certified law enforcement officer, shall be authorized to apprehend, detain, or arrest a bail fugitive unless that person meets one of the following conditions:

(1) Is a bail fugitive recovery person as defined in subdivision (B) of Section 2; a depositor of bail as defined in subdivision (C) of Section 2.; or is a bail recovery fugitive recovery person as defined in subdivision (D) of Section 2.

(2) Holds a bail license issued by this state or is authorized by another state to transact and post bail and is in compliance with respect to the arrest of a bail fugitive.

(3) Is licensed as a private investigator in this state.

(4) Holds a private investigator license issued by another state, is authorized by the bail or depositor of bail to apprehend a bail fugitive, and is in compliance with the provisions with respect to the arrest of a bail fugitive.

(B) This article shall not prohibit an arrest pursuant to Section 4.

**Section 4.**

(A) A bail fugitive recovery person, or a bail agent who contracts his or her services to another bail agent or surety as a bail fugitive recovery person for the purposes specified in subdivision (D) of Section 2, and who engages in the arrest of a defendant shall comply with the following requirements:

(1) The person shall be at least 18 years of age.

(2) The person shall have completed a [insert appropriate number of hours]-hour power of arrest course certified by law enforcement. Completion of the course shall be for educational purposes only and not intended to confer the power of arrest of

Did you know the NRA--the National Rifle Association--was the corporate co-chair in 2011?

a peace officer or public officer, or agent of any federal, state, or local government, unless the person is so employed by a governmental agency.

(3) The person shall not have been convicted of a felony, or of any offense in which a dangerous weapon was used.

(B) Upon completion of any course or training program required by this section, an individual authorized by Section 3 to apprehend a bail fugitive shall carry certificates of completion with him or her at all times in the course of performing his or her duties under this article.

#### **Section 5.**

In performing a bail fugitive apprehension, an individual authorized by Section 3 to apprehend a bail fugitive shall comply with all laws applicable to that apprehension.

#### **Section 6.**

Before apprehending a bail fugitive, an individual authorized by Section 3 to apprehend a bail fugitive shall have in his or her possession proper documentation of authority to apprehend issued by the bail or depositor of bail. The authority to apprehend document shall include the following: the name of the individual authorized by Section 3 to apprehend a bail fugitive and any fictitious name, if applicable; the address of the principal office of the individual authorized in Section 3 to apprehend a bail fugitive; and the name and principal business address of the bail agency, surety company, or other party contracting with the individual authorized by Section 3 to apprehend a bail fugitive.

#### **Section 7.**

(A) An individual authorized by Section 3 to apprehend a bail fugitive shall not represent himself or herself in any manner as being a sworn law enforcement officer.

(B) An individual authorized by Section 3 to apprehend a bail fugitive shall not wear any uniform that represents himself or herself as belonging to any part or department of a federal, state, or local government.

(C) An individual authorized by Section 3 to apprehend a bail fugitive shall not wear or otherwise use a badge that represents himself or herself as belonging to any part or department of the federal, state, or local government.

#### **Section 8.**

(A) Except under exigent circumstances, an individual authorized by Section 3 to apprehend a bail fugitive shall, prior to and no more than six hours before attempting to apprehend the bail fugitive, notify the local police department or sheriff's department of the intent to apprehend a bail fugitive in that jurisdiction by:

(1) Indicating the name of an individual authorized by Section 3 to apprehend a bail fugitive entering the jurisdiction.

(2) Stating the approximate time an individual authorized by Section 1.02 to apprehend a bail fugitive will be entering the jurisdiction and the approximate length of the stay.

(3) Stating the name and approximate location of the bail fugitive.

(B) If an exigent circumstance does arise and prior notification is not given as provided in subdivision (A), an individual authorized by Section 3 to apprehend a bail fugitive shall notify the local police department or sheriff's department immediately after the apprehension, and upon request of the local jurisdiction, shall submit a detailed explanation of those exigent circumstances within three working days after the apprehension is made.

(C) For the purposes of this section, notice may be provided to a local law enforcement agency by telephone prior to the arrest or, after the arrest has taken place, if exigent circumstances exist. In that case the name or operator number of the employee receiving the notice information shall be obtained and retained by the bail, depositor of bail, or bail fugitive recovery person.

(D) This section shall not preclude an individual authorized by Section 1.02 to apprehend a bail fugitive from making or attempting to make a lawful arrest of a bail fugitive on bond. The fact that a bench warrant is not located or entered into a warrant depository or system shall not affect a lawful arrest of the bail fugitive.

**Section 9.** An individual authorized by Section 3 to apprehend a bail fugitive who carries a firearm or other weapon shall be in compliance with the laws of the state.

**Section 10.** Any person who violates this act, or who conspires with another person to violate this act, or who hires an individual to apprehend a bail fugitive, knowing that the individual is not authorized by Section 3 to apprehend a bail fugitive, is guilty of a misdemeanor punishable by a fine of [insert appropriate fine].

**Section 11.**

Nothing in this article is intended to exempt from licensure persons otherwise required to be licensed as private investigators.

**Section 12. {Severability clause}**

**Section 13. {Repealer clause}**

**Section 14. {Effective date}**

Adopted by ALEC's Criminal Justice Task Force at the Spring Task Force Summit May 5, 2000. Approved by full ALEC Board of Directors June, 2000.

**About Us and ALEC EXPOSED.** The Center for Media and Democracy reports on corporate spin and government propaganda. We are located in Madison, Wisconsin, and publish [www.PRWatch.org](http://www.PRWatch.org), [www.SourceWatch.org](http://www.SourceWatch.org), and now [www.ALECexposed.org](http://www.ALECexposed.org). For more information contact: [editor@prwatch.org](mailto:editor@prwatch.org) or 608-260-9713.