

22-2809a. Surety or agent thereof; felons disqualified to act as; notice of intent to apprehend fugitive; violations, penalties. (a) As used in this section:

(1) "Surety" means a person or commercial surety, other than a defendant in a criminal proceeding, that guarantees the appearance of a defendant in a criminal proceeding, by executing an appearance bond;

(2) "bail agent" means a person authorized by a surety to execute surety bail bonds on behalf of such surety; and

(3) "bail enforcement agent" means a person not performing the duties of a law enforcement officer who tracks down, captures and surrenders to the custody of a court a fugitive who has violated a surety or bail bond agreement, commonly referred to as a bounty hunter, but is not a surety or bail agent.

(b) Any surety, bail agent or bail enforcement agent who intends to apprehend any person in this state pursuant to K.S.A. 22-2809, and amendments thereto, or under similar authority from any other state, shall inform law enforcement authorities in the city or county in which such surety, bail agent or bail enforcement agent intends such apprehension, before attempting such apprehension. The surety, bail agent or bail enforcement agent shall present to the local law enforcement authorities a copy of the bond, a valid government-issued photo identification, written appointment of agency, if not the actual surety, and all other appropriate paperwork identifying the principal and the person to be apprehended. Local law enforcement may accompany the surety, bail agent or bail enforcement agent.

(c) No person who has been convicted, in this or any other jurisdiction, of a felony shall act as a surety, bail agent or bail enforcement agent, unless such conviction has been expunged.

(d) A bail enforcement agent must be licensed under K.S.A. 2016 Supp. 75-7e01 through 75-7e09 and K.S.A. Supp. 2016 50-6,141, and amendments thereto, in order to apprehend a person pursuant to K.S.A. 22-2809, and amendments thereto.

(e) An out-of-state surety, bail agent or bail enforcement agent who intends to apprehend any person in this state pursuant to K.S.A. 22-2809, and amendments thereto, or under similar authority from any other state, before attempting such apprehension, shall:

(1) Have a bail enforcement agent's license pursuant to K.S.A. 2016 Supp. 75-7e01 through 75-7e09 and K.S.A. 2016 Supp. 50-6,141, and amendments thereto;

(2) contract with an individual that has been authorized by any court in this state to act as a surety and be accompanied by such individual during such apprehension; or

(3) contract with an individual who is currently a licensed bail enforcement agent pursuant to K.S.A. 2016 Supp. 75-7e01 through 75-7e09 and K.S.A. 2016 Supp. 50-6,141, and amendments thereto, and be accompanied by such individual during such apprehension.

(f) Violation of this section is a class A nonperson misdemeanor for the first conviction of a violation and a severity level 9, nonperson felony upon a second or subsequent conviction of a violation.

History: L. 2004, ch. 108, § 1; L. 2014, ch. 90, § 9; L. 2016, ch. 85, § 15; July 1.