

109TH CONGRESS
1ST SESSION

H. R. 2621

To clarify that bail bond sureties and bounty hunters are subject to both civil and criminal liability for violations of Federal rights under existing Federal civil rights law, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 25, 2005

Mr. ANDREWS introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To clarify that bail bond sureties and bounty hunters are subject to both civil and criminal liability for violations of Federal rights under existing Federal civil rights law, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Bounty Hunter Re-
5 sponsibility Act of 2005”.

1 **SEC. 2. CLARIFICATION OF APPLICATION OF CIVIL RIGHTS**
2 **LAWS.**

3 (a) IN GENERAL.—For purposes of section 1979 of
4 the Revised Statutes of the United States (42 U.S.C.
5 1983), section 242 of title 18, United States Code, and
6 other Acts of Congress providing civil or criminal liability
7 for the deprivation of Federally protected rights under
8 color of any statute, ordinance, regulation, custom, or
9 usage, of a State—

10 (1) a surety on a bail bond;

11 (2) an agent of such surety; or

12 (3) any bounty hunter;

13 seeking to obtain or exercise custody over a person admit-
14 ted to bail under the laws of a State is acting under color
15 of a statute, ordinance, regulation, custom, or usage of
16 that State.

17 (b) AGENCY RELATIONSHIP.—For the purposes of
18 subsection (a), a bounty hunter, if acting as an inde-
19 pendent contractor or an employee of a surety, is an agent
20 of that surety.

21 **SEC. 3. NOTIFICATION TO LAW ENFORCEMENT.**

22 It shall be the duty of each surety on a bail bond,
23 each agent of such surety, and each bounty hunter, who,
24 in a State, personally seeks to obtain or exercise custody
25 over a person admitted to bail outside that State, before
26 commencing activities in that State, to inform the local

1 law enforcement agency of the presence of such surety,
2 agent, or bounty hunter, and of the intention of that sur-
3 ety, agent, or bounty hunter to seek to obtain or exercise
4 custody over that person. This requirement does not pre-
5 empt any additional requirements imposed on any such
6 surety, agent, or bounty hunter by such State.

7 **SEC. 4. MODEL GUIDELINES.**

8 (a) **IN GENERAL.**—Not later than 180 days after the
9 date of enactment of this Act, the Attorney General shall
10 publish in the Federal Register model guidelines for the
11 State control and regulation of persons employed or apply-
12 ing for employment as bounty hunters. In developing such
13 guidelines, the Attorney General shall consult with organi-
14 zations representing—

- 15 (1) State and local law enforcement officers;
- 16 (2) State and local prosecutors;
- 17 (3) the criminal defense bar;
- 18 (4) bail bond agents;
- 19 (5) bounty hunters; and
- 20 (6) corporate sureties.

21 (b) **RECOMMENDATIONS.**—The guidelines published
22 under subsection (a) shall include recommendations of the
23 Attorney General regarding whether a person seeking em-
24 ployment as a bounty hunter should be—

1 (1) allowed to obtain such employment if that
2 person has been convicted of a felony offense under
3 Federal law, or of any offense under State law that
4 would be a felony if charged under Federal law;

5 (2) required to complete successfully a State
6 approved basic certification course in the criminal
7 justice system;

8 (3) required to complete successfully a handgun
9 training course; or

10 (4) required to submit to a fingerprint-based
11 criminal background check prior to entering into
12 performance of duties pursuant to employment as a
13 bounty hunter.

14 **SEC. 5. DEFINITIONS.**

15 As used in this Act—

16 (1) the term “bounty hunter” means a person,
17 other than a public official engaging in official du-
18 ties, who, for compensation or a reward from a sur-
19 ety on a bail bond or an agent of such a surety,
20 seeks to obtain or exercise custody over another per-
21 son for purposes of criminal judicial proceedings;
22 and

1 (2) the term “State” includes any territory or
2 possession of the United States and the District of
3 Columbia.

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