



Roll Call Training Bulletin

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PC 1299 Bail Fugitive Recovery Agents

Recently, officers in the field have come into contact with armed bail fugitive recovery agents questions have been asked about what laws apply to bail fugitive recovery agents and what authority these individuals have to carry weapons This training bulletin contains a synopsis of the penal codes related to penal code 1299. To read 1299 PC in its entirety please click this link:

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=pen&group=01001-02000&file=1299-1299.12>

All Questions related to PC 1299 Bail Fugitive Recovery Persons Act should be directed to the Criminal Intelligence Unit at 808-0720.

AUTHORITY AND REQUIREMENTS OF BAIL FUGITIVE RECOVERY AGENTS

With regards to “compliance with the laws of the state”, a bail fugitive recovery agent who plans on carrying a firearm while in the performance of their duties in California must satisfy the following:

- ✓ No felony convictions or convictions which would prohibit him/her from carrying a firearm.
- ✓ Must complete an arrest and firearms course (832 P.C.)
- ✓ Must have a firearms endorsement/permit or guard card allowing them to “open carry” in public.
- ✓ Must have a CCW endorsement if the bail fugitive recovery agent wishes to carry a concealed firearm.
- ✓ Must carry their firearms endorsement/permit at all times.

Before apprehending a bail fugitive, an authorized bail fugitive recovery agent shall have in their possession proper documentation of authority to apprehend issued by the bail or bail depositer. (P.C. 1299.06.)The proper documentation shall include the following:

- ✓ The name of the individual authorized to apprehend a bail fugitive and any fictitious name, if applicable.
- ✓ The address of the principal office of the individual authorized to apprehend a bail fugitive.
- ✓ The name and principal business address of the bail agency, surety company, or other party contracting with the individual authorized to apprehend a bail fugitive.

A bail fugitive recovery agent is also required to notify local law enforcement before attempting to apprehend a bail fugitive. (P.C. 1299.08.)

- Unless exigent circumstances apply, no more than six hours before intending to apprehend a bail fugitive, a bail fugitive recovery agent shall notify the local police or sheriff’s department of the intent to apprehend a bail fugitive.
- The bail fugitive recovery agent is required to provide their name to local law enforcement.
- The approximate time the person will be entering the jurisdiction and the approximate length of stay.
- The name and approximate location of the bail fugitive.
- If exigent circumstances arose prior to notification, the individual shall notify the local law enforcement agency immediately after the apprehension, and upon request by the local law enforcement agency, shall submit a detailed explanation of the exigent circumstances within 3 working days after the apprehension is made.

California Penal Code 1299.11

Anyone who violates PC 1299 is guilty of a misdemeanor punishable by a fine of five thousand dollars (\$5,000), imprisonment in a county jail (not to exceed one year), or both imprisonment and a fine.

California Penal Code 1299.01 PC defines the following terms as follows:

- (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 re-incarceration are permitted.”



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- (b) "Bail fugitive recovery person" means a person who is provided written authorization pursuant to Sections 1300 and 1301 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.

California Penal Code 1299.04

- (a) Bail fugitive recovery person, a bail agent, bail permittee, or bail solicitor 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 1299.01, and any bail agent, bail permittee, or bail solicitor who obtains licensing after January 1, 2000, and who engages in the arrest of a defendant pursuant to Section 1301 shall comply with the following requirements:
- (1) The person shall be at least 18 years of age.
 - (2) The person shall have completed a 40-hour power of arrest course certified by the Commission on Peace Officer Standards and Training pursuant to Section 832. Completion of the course shall be for educational purposes only and not intended to confer the power of arrest of 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 have completed a minimum of 20 hours of classroom pre-licensing education certified pursuant to Section 1810.7 of the Insurance Code. For those persons licensed by the department as a bail licensee prior to January 1, 1994, there is no pre-licensing education requirement. For those persons licensed by the department as a bail licensee between January 1, 1994, and December 31, 2012, a minimum of 12 hours of classroom pre-licensing education is required.
 - (4) The person shall not have been convicted of a felony, unless the person is licensed by the Department of Insurance pursuant to Section 1800 of the Insurance Code.
- (b) Upon completion of any course or training program required by this section, an individual authorized by Section 1299.02 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.

California Penal Code 1299.07

- (a) An individual authorized by Section 1299.02 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 1299.02 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. Any uniform shall not display the words United States, Bureau, Task Force, Federal, or other substantially similar words that a reasonable person may mistake for a government agency.
- (c) An individual authorized by Section 1299.02 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.
- (d) An individual authorized by Section 1299.02 to apprehend a bail fugitive shall not use a fictitious name that represents himself or herself as belonging to any federal, state, or local government.
- (e) An individual authorized by Section 1299.02 to apprehend a bail fugitive may wear a jacket, shirt, or vest with the words "BAIL BOND RECOVERY AGENT," "BAIL ENFORCEMENT," or "BAIL ENFORCEMENT AGENT" displayed in letters at least two inches high across the front or back of the jacket, shirt, or vest and in a contrasting color to that of the jacket, shirt, or vest.

California Penal Code 1299.10

An individual authorized by Section 1299.02 to apprehend a bail fugitive shall not carry a firearm or other weapon unless in compliance with the laws of the state.