

[Fourth Reprint]

**ASSEMBLY, No. 3828**

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**STATE OF NEW JERSEY**  
**211th LEGISLATURE**

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INTRODUCED FEBRUARY 24, 2005

**Sponsored by:**

**Assemblyman PETER J. BARNES, JR.**

**District 18 (Middlesex)**

**Assemblyman GORDON M. JOHNSON**

**District 37 (Bergen)**

**Assemblyman REED GUSCIORA**

**District 15 (Mercer)**

**Co-Sponsored by:**

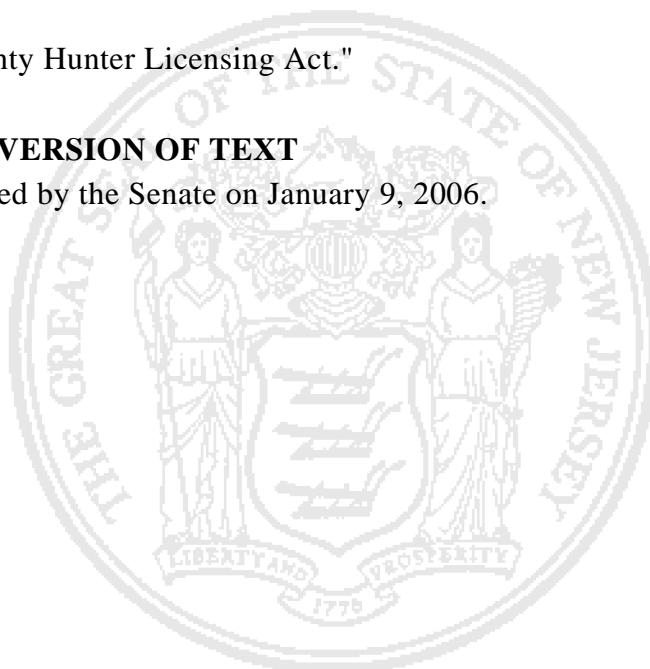
**Senators Turner and Madden**

**SYNOPSIS**

The "Bounty Hunter Licensing Act."

**CURRENT VERSION OF TEXT**

As amended by the Senate on January 9, 2006.



**(Sponsorship Updated As Of: 1/6/2006)**

1 AN ACT concerning the regulation of bounty hunters and  
2 supplementing Title 45 of the Revised Statutes.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. This act shall be known and may be cited as the "Bounty Hunter  
8 Licensing Act."

9  
10 2. As used in this act:

11 a. "Bounty hunter" means and includes any bail runner, bail  
12 recovery agent, bail enforcement agent, fugitive recovery agent or any  
13 other person who, for fee, hire or reward: makes any investigation or  
14 investigations as to the location or whereabouts of any person who has  
15 violated the provisions of N.J.S.2C:29-7 or has failed to appear in any  
16 court of law in this State or any other state, when so required by law,  
17 or has failed to answer any charge, subpoena or court ordered inquiry,  
18 when so required by law; <sup>2</sup>engages in or<sup>2</sup> assists in the apprehension,  
19 arrest, detention, confinement, surrender or securing of any such  
20 person; or keeps any such person under surveillance.

21 The term shall mean and include any person who owns or operates  
22 any agency, firm, association, corporation or other entity which is  
23 organized primarily for the purpose of engaging in any of the above  
24 enumerated activities, and to any employee, agent, associate or  
25 subcontractor of any such agency, firm, association, corporation or  
26 other entity who performs any of the functions, activities or services  
27 of a bounty hunter as described in this subsection.

28 The term shall not mean or include, and nothing in this act shall  
29 apply to, law enforcement officers of this State, or of any political  
30 subdivision of this State, while in the actual performance of their  
31 duties, nor to officers or employees of any law enforcement agency of  
32 the United States or of any State, Territory or Possession of the  
33 United States, while in the actual performance of their duties.

34 b. "Superintendent" means the Superintendent of the Division of  
35 State Police in the Department of Law and Public Safety.

36  
37 3. No person shall engage in the business of, or perform, or offer  
38 to perform, the functions, activities or services of a bounty hunter, or  
39 advertise or hold a business out to be that of a bounty hunter, unless  
40 the person is licensed by the superintendent as set forth in this act.

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Assembly ALP committee amendments adopted June 9, 2005.

<sup>2</sup> Senate SLP committee amendments adopted December 15, 2005.

<sup>3</sup> Senate floor amendments adopted January 5, 2006.

<sup>4</sup> Senate floor amendments adopted January 9, 2006.

1 Any person who violates the provisions of this section shall be guilty  
2 of a crime of the fourth degree.

3

4 4. a. An application for licensure as a bounty hunter shall be  
5 submitted to the superintendent by the applicant on a form and in a  
6 manner prescribed by the superintendent and shall contain the  
7 following information:

8 (1) the full name, age, which shall be at least 25 years, and  
9 residence of the applicant;

10 (2) the full and complete employment history of the applicant;

11 (3) verification that the applicant has had at least five years of law  
12 enforcement experience as a law enforcement officer with an organized  
13 law enforcement agency of this State, or of any political subdivision  
14 of this State, or of the United States or of any state, territory or  
15 possession of the United States, and is no longer employed by or  
16 attached in any capacity whatsoever to any law enforcement agency<sup>2</sup>,  
17 or that the applicant is a licensed private detective or has been  
18 employed by a licensed private detective for at least five years<sup>2</sup>;

19 (4) the location of the applicant's proposed principal place of  
20 business and any office, bureau, agency or subdivision; and

21 (5) such further information as the superintendent may require to  
22 show the good character, competency and integrity of the applicant.

23 Each application shall be accompanied by the written approval of  
24 not fewer than five reputable citizens who have known the applicant  
25 for at least three years preceding the date of application and who shall  
26 certify that the applicant is a person of good moral character and  
27 behavior.

28 b. Any person who shall knowingly make a false statement in or  
29 knowingly omit any material information from the application required  
30 by this section shall be guilty of a crime of the fourth degree in  
31 addition to any other crime or offense specified by law.

32

33 5. a. Each applicant for licensure as a bounty hunter shall submit  
34 to being fingerprinted in accordance with applicable State and federal  
35 laws, rules and regulations for the purpose of a criminal history record  
36 background check to be performed by the superintendent. No check  
37 of criminal history record background information shall be performed  
38 pursuant to this section unless the applicant has furnished written  
39 consent to such check. An applicant who refuses to consent to, or  
40 cooperate in, the securing of a check of criminal history record  
41 background information shall not be considered for licensure as a  
42 bounty hunter. Each applicant shall bear the cost of the criminal  
43 history record background check, including all costs of administering  
44 and processing the check. The superintendent shall compare the  
45 applicant's fingerprints with information on file with the State Bureau  
46 of Identification in the Division of State Police and the Federal Bureau

1 of Investigation consistent with applicable State and federal laws, rules  
2 and regulations.

3 b. No person shall be licensed as a bounty hunter under the  
4 provisions of this act if the person has been convicted, as indicated by  
5 a criminal history record background check performed pursuant to the  
6 provisions of this section, of:

7 (1) a crime of the first, second, third or fourth degree;

8 (2) an offense involving the unlawful use, possession or sale of a  
9 controlled dangerous substance as defined in N.J.S.2C:35-2; or

10 (3) an offense where the issuance of a license would be contrary to  
11 the public interest, as determined by the superintendent.

12

13 6. The superintendent, when satisfied with the examination of any  
14 application, and such further inquiry and investigations as he shall  
15 deem proper as to the good character, competency and integrity of the  
16 applicant, <sup>4</sup>and upon proof of satisfactory completion by the applicant  
17 of the education and training program if required,<sup>4</sup> shall issue a bounty  
18 hunter license to an applicant upon payment of a fee in an amount  
19 established by the superintendent by rule and regulation and execution  
20 of a bond in a manner, form and amount satisfactory to the  
21 superintendent as established by rule and regulation. The license shall  
22 be renewable every two years upon payment of a renewal fee in an  
23 amount established by the superintendent by rule and regulation.

24

25 7. a. The superintendent shall cause to be issued to a licensed  
26 bounty hunter an identification card containing such information as the  
27 superintendent shall prescribe.

28 b. A person who is issued an identification card pursuant to  
29 subsection a. of this section shall be responsible for its safekeeping and  
30 shall not lend, let or allow any other person to use, possess, exhibit or  
31 display the card.

32 c. No person shall use, possess, exhibit or display any license or  
33 identification card purporting to authorize such person to act as a  
34 bounty hunter, unless such person is the holder of a valid bounty  
35 hunter license issued pursuant to the provisions of this act.

36 d. If it is established to the satisfaction of the superintendent that  
37 a license or identification card has been lost or destroyed, the  
38 superintendent shall, upon payment of an appropriate fee, cause to be  
39 issued a duplicate license or identification card.

40 e. Any person who violates the provisions of this section shall be  
41 guilty of a crime of the fourth degree in addition to any other crime or  
42 offense specified by law.

43

44 <sup>1</sup>8. a. The holder of any license issued under the provisions of this  
45 act may employ as many persons as the licensee may deem necessary  
46 to assist the licensee in the licensee's work and in the conduct of the

1 licensee's business. The licensee shall be liable, accountable and  
2 responsible for the actions and conduct in connection with his or her  
3 business of each person so employed.

4 b. The holder of any license issued under the provisions of this act  
5 shall require each person employed to execute and furnish a verified  
6 statement, to be known as an "employee's statement," which shall set  
7 forth the employee's full name, residence, place and date of birth and  
8 such other information as the superintendent shall require by rule or  
9 regulation. The licensee shall retain in safe keeping, and the  
10 superintendent shall at all times have access to and may from time to  
11 time examine, each "employee's statement." The holder of any license  
12 issued under the provisions of this act shall pay to the superintendent  
13 an additional fee, in an amount established by the superintendent by  
14 rule or regulation, for each person employed by the licensee.

15 c. A licensee who fails to comply with any of the provisions of this  
16 section shall be guilty of a crime of the fourth degree in addition to any  
17 other crime or offense specified by law. Any person who shall  
18 knowingly make a false statement in or knowingly omit any material  
19 information from the "employee's statement" required by this section  
20 shall be guilty of a crime of the fourth degree in addition to any other  
21 crime or offense specified by law.<sup>1</sup>

22  
23 <sup>19.</sup> a. Each person seeking employment by a licensed bounty hunter  
24 pursuant to the provisions of this act shall submit to being  
25 fingerprinted in accordance with applicable State and federal laws,  
26 rules and regulations for the purpose of a criminal history record  
27 background check to be performed by the superintendent. No check  
28 of criminal history record background information shall be performed  
29 pursuant to this section unless the person has furnished written  
30 consent to such check. Anyone who refuses to consent to, or  
31 cooperate in, the securing of a check of criminal history record  
32 background information shall not be considered for employment by the  
33 licensee. The prospective employee shall bear the cost of the criminal  
34 history record background check, including all costs of administering  
35 and processing the check. The superintendent shall compare the  
36 person's fingerprints with information on file with the State Bureau of  
37 Identification in the Division of State Police and the Federal Bureau  
38 of Investigation consistent with applicable State and federal laws, rules  
39 and regulations.

40 b. A person who is required to be licensed pursuant to the  
41 provisions of this act shall not knowingly employ in any capacity  
42 whatsoever any person who has been convicted, as indicated by a  
43 criminal history record background check performed pursuant to the  
44 provisions of this section, of:

45 (1) a crime of the first, second, third or fourth degree;

46 (2) an offense involving the unlawful use, possession or sale of a

1 controlled dangerous substance as defined in N.J.S.2C:35-2; or  
2 (3) an offense where employment of the person by the licensee  
3 would be contrary to the public interest, as determined by the  
4 superintendent.

5 c. A person who is required to be licensed pursuant to the  
6 provisions of this act who employs any person for whom a criminal  
7 history record background check required by this section has not been  
8 performed or whom the licensee knows has been convicted of a  
9 disqualifying crime or offense as set forth in this section shall be guilty  
10 of a crime of the fourth degree in addition to any other crime or  
11 offense specified by applicable law. Each violation of this section shall  
12 constitute a separate offense.<sup>1</sup>

13  
14 <sup>1</sup>[8.] 10.<sup>1</sup> a. Any person who is required to be licensed pursuant  
15 to the provisions of this act who enters any premises or dwelling  
16 without license or privilege or who employs the use of unlawful force  
17 in <sup>2</sup>engaging in or<sup>2</sup> assisting in the apprehension, arrest, detention,  
18 confinement, surrender, securing or surveillance of any person who has  
19 violated the provisions of N.J.S.2C:29-7 or has failed to appear in any  
20 court of law in this State or any other state, when so required by law,  
21 or has failed to answer any charge, subpoena or court ordered inquiry,  
22 when so required by law, shall, in addition to any other criminal  
23 penalties provided under law, be guilty of a crime of the fourth degree.

24 As used in this section, the term “unlawful force” shall have the  
25 same meaning as set forth in N.J.S.2C:3-11.

26 b. A person who is required to be licensed pursuant to the  
27 provisions of this act shall not purchase, possess or carry a handgun,  
28 firearm or other weapon unless otherwise permitted under chapter 39  
29 or 58 of Title 2C of the New Jersey Statutes. A person who violates  
30 the provisions of this subsection shall, in addition to any other criminal  
31 penalties provided under law, be guilty of a crime of the fourth degree.

32  
33 <sup>1</sup>[9.] 11.<sup>1</sup> For the purpose of investigating whether a person has  
34 engaged in, or is engaging in, any act or practice declared unlawful  
35 under this act, or for the purpose of investigating the character,  
36 competency, integrity or methods of operation of applicants or  
37 licensees hereunder, the superintendent shall have the power to:

38 a. require any person to file on such form as may be prescribed by  
39 the superintendent, a statement or report in writing under oath, or  
40 otherwise, as to the facts and circumstances concerning any matter  
41 being investigated;

42 b. administer oaths or affirmations and examine any person in  
43 connection with any investigation;

44 c. inspect any premises and examine any record, book, computer,  
45 electronic database, recording device, document, account, paper or  
46 other tangible thing, without prior notification, in connection with any

1 investigation;

2 d. upon court order or warrant, seize and impound any record,  
3 book, computer, electronic database, recording device, document,  
4 account, paper or other tangible thing in connection with any  
5 investigation, except that nothing in this subsection shall be construed  
6 to prohibit the seizure and impoundment of any of the foregoing items  
7 in the absence of a court order or warrant:

8 (1) with the consent of the applicant, licensee or other person being  
9 investigated or the employee, agent or other individual who is in  
10 control of the premises upon which an investigation is being  
11 conducted;

12 (2) when circumstances presenting an imminent danger to the public  
13 health or safety exist; or

14 (3) when any other legally recognized exception to the warrant  
15 requirement exists and a court order or warrant is not constitutionally  
16 required;

17 e. hold investigative hearings and issue subpoenas to compel the  
18 attendance of any person or the production of any record, book,  
19 computer, electronic database, recording device, document, account,  
20 paper or other tangible thing in connection with any investigation; and

21 f. apply to the Superior Court for an order compelling compliance  
22 with any subpoena or other request for information.

23 Nothing contained in this section shall be construed to limit, waive  
24 or abrogate the scope or effect of any statutory or common law  
25 privilege, including but not limited to, the attorney-client privilege.  
26

27 <sup>1</sup>[10.] 12.<sup>1</sup> a. A violation of any of the provisions of this act shall  
28 be cause for revocation or suspension of any license issued hereunder,  
29 notwithstanding that the same violation may constitute a crime or  
30 other offense under the laws of this State or any other state or  
31 jurisdiction. An indictment, prosecution and conviction arising out of  
32 any of the provisions of this act shall not be construed to preclude, if  
33 the evidence so warrants, an indictment, prosecution and conviction  
34 for any other crime or offense in this State or any other state or  
35 jurisdiction.

36 b. In addition to any other penalties prescribed by this act or any  
37 other law, a person who violates any of the provisions of this act shall  
38 be liable to a civil penalty not to exceed \$1,000 for a first offense and  
39 not to exceed \$2,500 for a second or subsequent offense. Each  
40 violation shall constitute a separate offense for the purposes of this  
41 section. A penalty imposed pursuant to this section shall be recovered  
42 in a civil action pursuant to "The Penalty Enforcement Law of 1999,"  
43 P.L.1999, c.274 (C.2A:58-10 et seq.).  
44

45 <sup>1</sup>[11.] 13.<sup>1</sup> The superintendent shall promulgate rules and  
46 regulations necessary to carry out this the provisions of this act.

1       <sup>3</sup>14. A person who, for at least five years prior to the effective date  
2 of this act, has engaged in the business of or performed the functions,  
3 activities or services of a bounty hunter, or has held a business out to  
4 be that of a bounty hunter, and who fulfills all the requirements of this  
5 act, except for the requirements set forth in paragraph (3) of  
6 subsection a. of section 4 of this act, may make application to the  
7 superintendent to be licensed pursuant to the provisions of this act,  
8 provided such application shall be received by the superintendent  
9 within 60 days of the effective date of this act.<sup>3</sup>

10  
11       <sup>4</sup>15. a. The superintendent, through rule and regulation, shall  
12 establish an education and training program for bounty hunters who  
13 make application to be licensed pursuant to the provisions of section  
14 14 of this act. The program shall consist of such subjects and courses  
15 as the superintendent may deem appropriate and shall include a  
16 minimum number of hours of classroom or other instruction.

17       b. In implementing and administering the education and training  
18 program required in subsection a. of this section, the superintendent  
19 shall have the power:

20       (1) to implement and administer or approve the minimum courses  
21 of study and training;

22       (2) to issue certificates of approval to schools approved by the  
23 superintendent and to withdraw certificates of approval from those  
24 schools disapproved by the superintendent;

25       (3) to certify instructors pursuant to the minimum qualifications  
26 established by the superintendent;

27       (4) to consult and cooperate with universities, colleges, community  
28 colleges and institutes for the development of specialized courses for  
29 bounty hunters;

30       (5) to consult and cooperate with departments and agencies of this  
31 State, other states and the federal government concerned with training  
32 of bounty hunters;

33       (6) to certify those persons who have satisfactorily completed basic  
34 educational and training requirements;

35       (7) to visit and inspect approved schools;

36       (8) to establish reasonable charges for training and education  
37 provided by the superintendent; and

38       (9) to make such rules and regulations and to perform such other  
39 duties as may be reasonably necessary or appropriate to implement the  
40 education and training program.<sup>4</sup>

41  
42       <sup>1</sup>[12.] <sup>3</sup>[14.]<sup>1</sup> <sup>4</sup>[ 15.]<sup>3</sup> 16.<sup>4</sup> This act shall take effect on the first  
43 day of the 13th month after enactment, except that the superintendent  
44 may take, prior to the effective date, such anticipatory administrative  
45 action as shall be necessary for the implementation of this act.