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**HEARINGS:** No

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IS 3/18/08

P.L. 2005, CHAPTER 376, *approved January 12, 2006*  
Assembly, No. 3828 (*Fourth Reprint*)

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.

**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       3. No person shall engage in the business of, or perform, or offer  
2 to perform, the functions, activities or services of a bounty hunter, or  
3 advertise or hold a business out to be that of a bounty hunter, unless  
4 the person is licensed by the superintendent as set forth in this act.  
5 Any person who violates the provisions of this section shall be guilty  
6 of a crime of the fourth degree.

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

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

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

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

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

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

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

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

36  
37       5. a. Each applicant for licensure as a bounty hunter shall submit  
38 to being fingerprinted in accordance with applicable State and federal  
39 laws, rules and regulations for the purpose of a criminal history record  
40 background check to be performed by the superintendent. No check

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

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

1 of criminal history record background information shall be performed  
2 pursuant to this section unless the applicant has furnished written  
3 consent to such check. An applicant who refuses to consent to, or  
4 cooperate in, the securing of a check of criminal history record  
5 background information shall not be considered for licensure as a  
6 bounty hunter. Each applicant shall bear the cost of the criminal  
7 history record background check, including all costs of administering  
8 and processing the check. The superintendent shall compare the  
9 applicant's fingerprints with information on file with the State Bureau  
10 of Identification in the Division of State Police and the Federal Bureau  
11 of Investigation consistent with applicable State and federal laws, rules  
12 and regulations.

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

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

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

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

22

23 6. The superintendent, when satisfied with the examination of any  
24 application, and such further inquiry and investigations as he shall  
25 deem proper as to the good character, competency and integrity of the  
26 applicant, <sup>4</sup>and upon proof of satisfactory completion by the applicant  
27 of the education and training program if required,<sup>4</sup> shall issue a bounty  
28 hunter license to an applicant upon payment of a fee in an amount  
29 established by the superintendent by rule and regulation and execution  
30 of a bond in a manner, form and amount satisfactory to the  
31 superintendent as established by rule and regulation. The license shall  
32 be renewable every two years upon payment of a renewal fee in an  
33 amount established by the superintendent by rule and regulation.

34

35 7. a. The superintendent shall cause to be issued to a licensed  
36 bounty hunter an identification card containing such information as the  
37 superintendent shall prescribe.

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

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

46 d. If it is established to the satisfaction of the superintendent that

1 a license or identification card has been lost or destroyed, the  
2 superintendent shall, upon payment of an appropriate fee, cause to be  
3 issued a duplicate license or identification card.

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

7  
8 <sup>18.</sup> a. The holder of any license issued under the provisions of this  
9 act may employ as many persons as the licensee may deem necessary  
10 to assist the licensee in the licensee's work and in the conduct of the  
11 licensee's business. The licensee shall be liable, accountable and  
12 responsible for the actions and conduct in connection with his or her  
13 business of each person so employed.

14 b. The holder of any license issued under the provisions of this act  
15 shall require each person employed to execute and furnish a verified  
16 statement, to be known as an "employee's statement," which shall set  
17 forth the employee's full name, residence, place and date of birth and  
18 such other information as the superintendent shall require by rule or  
19 regulation. The licensee shall retain in safe keeping, and the  
20 superintendent shall at all times have access to and may from time to  
21 time examine, each "employee's statement." The holder of any license  
22 issued under the provisions of this act shall pay to the superintendent  
23 an additional fee, in an amount established by the superintendent by  
24 rule or regulation, for each person employed by the licensee.

25 c. A licensee who fails to comply with any of the provisions of this  
26 section shall be guilty of a crime of the fourth degree in addition to any  
27 other crime or offense specified by law. Any person who shall  
28 knowingly make a false statement in or knowingly omit any material  
29 information from the "employee's statement" required by this section  
30 shall be guilty of a crime of the fourth degree in addition to any other  
31 crime or offense specified by law.<sup>1</sup>

32  
33 <sup>19.</sup> a. Each person seeking employment by a licensed bounty hunter  
34 pursuant to the provisions of this act shall submit to being  
35 fingerprinted in accordance with applicable State and federal laws,  
36 rules and regulations for the purpose of a criminal history record  
37 background check to be performed by the superintendent. No check  
38 of criminal history record background information shall be performed  
39 pursuant to this section unless the person has furnished written  
40 consent to such check. Anyone who refuses to consent to, or  
41 cooperate in, the securing of a check of criminal history record  
42 background information shall not be considered for employment by the  
43 licensee. The prospective employee shall bear the cost of the criminal  
44 history record background check, including all costs of administering  
45 and processing the check. The superintendent shall compare the  
46 person's fingerprints with information on file with the State Bureau of

1 Identification in the Division of State Police and the Federal Bureau  
2 of Investigation consistent with applicable State and federal laws, rules  
3 and regulations.

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

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

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

12 (3) an offense where employment of the person by the licensee  
13 would be contrary to the public interest, as determined by the  
14 superintendent.

15 c. A person who is required to be licensed pursuant to the  
16 provisions of this act who employs any person for whom a criminal  
17 history record background check required by this section has not been  
18 performed or whom the licensee knows has been convicted of a  
19 disqualifying crime or offense as set forth in this section shall be guilty  
20 of a crime of the fourth degree in addition to any other crime or  
21 offense specified by applicable law. Each violation of this section shall  
22 constitute a separate offense.<sup>1</sup>

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

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

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

42  
43 <sup>1</sup>[9.] 11.<sup>1</sup> For the purpose of investigating whether a person has  
44 engaged in, or is engaging in, any act or practice declared unlawful  
45 under this act, or for the purpose of investigating the character,  
46 competency, integrity or methods of operation of applicants or

1 licensees hereunder, the superintendent shall have the power to:

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

6 b. administer oaths or affirmations and examine any person in  
7 connection with any investigation;

8 c. inspect any premises and examine any record, book, computer,  
9 electronic database, recording device, document, account, paper or  
10 other tangible thing, without prior notification, in connection with any  
11 investigation;

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

18 (1) with the consent of the applicant, licensee or other person being  
19 investigated or the employee, agent or other individual who is in  
20 control of the premises upon which an investigation is being  
21 conducted;

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

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

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

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

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

36

37 <sup>1</sup>[10.] 12.<sup>1</sup> a. A violation of any of the provisions of this act shall  
38 be cause for revocation or suspension of any license issued hereunder,  
39 notwithstanding that the same violation may constitute a crime or  
40 other offense under the laws of this State or any other state or  
41 jurisdiction. An indictment, prosecution and conviction arising out of  
42 any of the provisions of this act shall not be construed to preclude, if  
43 the evidence so warrants, an indictment, prosecution and conviction  
44 for any other crime or offense in this State or any other state or  
45 jurisdiction.

46 b. In addition to any other penalties prescribed by this act or any



1 other law, a person who violates any of the provisions of this act shall  
2 be liable to a civil penalty not to exceed \$1,000 for a first offense and  
3 not to exceed \$2,500 for a second or subsequent offense. Each  
4 violation shall constitute a separate offense for the purposes of this  
5 section. A penalty imposed pursuant to this section shall be recovered  
6 in a civil action pursuant to “The Penalty Enforcement Law of 1999,”  
7 P.L.1999, c.274 (C.2A:58-10 et seq.).

8  
9 <sup>1</sup>[11.] 13.<sup>1</sup> The superintendent shall promulgate rules and  
10 regulations necessary to carry out this the provisions of this act.

11  
12 <sup>3</sup>14. A person who, for at least five years prior to the effective date  
13 of this act, has engaged in the business of or performed the functions,  
14 activities or services of a bounty hunter, or has held a business out to  
15 be that of a bounty hunter, and who fulfills all the requirements of this  
16 act, except for the requirements set forth in paragraph (3) of  
17 subsection a. of section 4 of this act, may make application to the  
18 superintendent to be licensed pursuant to the provisions of this act,  
19 provided such application shall be received by the superintendent  
20 within 60 days of the effective date of this act.<sup>3</sup>

21  
22 <sup>4</sup>15. a. The superintendent, through rule and regulation, shall  
23 establish an education and training program for bounty hunters who  
24 make application to be licensed pursuant to the provisions of section  
25 14 of this act. The program shall consist of such subjects and courses  
26 as the superintendent may deem appropriate and shall include a  
27 minimum number of hours of classroom or other instruction.

28 b. In implementing and administering the education and training  
29 program required in subsection a. of this section, the superintendent  
30 shall have the power:

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

33 (2) to issue certificates of approval to schools approved by the  
34 superintendent and to withdraw certificates of approval from those  
35 schools disapproved by the superintendent;

36 (3) to certify instructors pursuant to the minimum qualifications  
37 established by the superintendent;

38 (4) to consult and cooperate with universities, colleges, community  
39 colleges and institutes for the development of specialized courses for  
40 bounty hunters;

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

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

46 (7) to visit and inspect approved schools;

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

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

6

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

11

12

13

14

15     \_\_\_\_\_ The "Bounty Hunter Licensing Act."

# 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)**

**SYNOPSIS**

The "Bounty Hunter Licensing Act."

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/10/2005)**

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; assists in the apprehension, arrest, detention,  
19 confinement, surrender or securing of any such person; or keeps any  
20 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.  
41 Any person who violates the provisions of this section shall be guilty  
42 of a crime of the fourth degree.

43  
44 4. a. An application for licensure as a bounty hunter shall be  
45 submitted to the superintendent by the applicant on a form and in a  
46 manner prescribed by the superintendent and shall contain the

1 following information:

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

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

5 (3) verification that the applicant has had at least five years of law  
6 enforcement experience as a law enforcement officer with an organized  
7 law enforcement agency of this State, or of any political subdivision  
8 of this State, or of the United States or of any state, territory or  
9 possession of the United States, and is no longer employed by or  
10 attached in any capacity whatsoever to any law enforcement agency;

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

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

15 Each application shall be accompanied by the written approval of  
16 not fewer than five reputable citizens who have known the applicant  
17 for at least three years preceding the date of application and who shall  
18 certify that the applicant is a person of good moral character and  
19 behavior.

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

24

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

41 b. No person shall be licensed as a bounty hunter under the  
42 provisions of this act if the person has been convicted, as indicated by  
43 a 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 the issuance of a license would be contrary to  
3 the public interest, as determined by the superintendent.

4  
5 6. The superintendent, when satisfied with the examination of any  
6 application, and such further inquiry and investigations as he shall  
7 deem proper as to the good character, competency and integrity of the  
8 applicant, shall issue a bounty hunter license to an applicant upon  
9 payment of a fee in an amount established by the superintendent by  
10 rule and regulation and execution of a bond in a manner, form and  
11 amount satisfactory to the superintendent as established by rule and  
12 regulation. The license shall be renewable every two years upon  
13 payment of a renewal fee in an amount established by the  
14 superintendent by rule and regulation.

15  
16 7. a. The superintendent shall cause to be issued to a licensed  
17 bounty hunter an identification card containing such information as the  
18 superintendent shall prescribe.

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

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

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

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

34  
35 8. a. Any person who is required to be licensed pursuant to the  
36 provisions of this act who enters any premises or dwelling without  
37 license or privilege or who employs the use of unlawful force in  
38 assisting in the apprehension, arrest, detention, confinement,  
39 surrender, securing or surveillance of any person who has violated the  
40 provisions of N.J.S.2C:29-7 or has failed to appear in any court of law  
41 in this State or any other state, when so required by law, or has failed  
42 to answer any charge, subpoena or court ordered inquiry, when so  
43 required by law, shall, in addition to any other criminal penalties  
44 provided under law, be guilty of a crime of the fourth degree.

45 As used in this section, the term "unlawful force" shall have the  
46 same meaning as set forth in N.J.S.2C:3-11.

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

7  
8       9. For the purpose of investigating whether a person has engaged  
9 in, or is engaging in, any act or practice declared unlawful under this  
10 act, or for the purpose of investigating the character, competency,  
11 integrity or methods of operation of applicants or licensees hereunder,  
12 the superintendent shall have the power to:

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

17       b. administer oaths or affirmations and examine any person in  
18 connection with any investigation;

19       c. inspect any premises and examine any record, book, computer,  
20 electronic database, recording device, document, account, paper or  
21 other tangible thing, without prior notification, in connection with any  
22 investigation;

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

29       (1) with the consent of the applicant, licensee or other person being  
30 investigated or the employee, agent or other individual who is in  
31 control of the premises upon which an investigation is being  
32 conducted;

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

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

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

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

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

1       10. a. A violation of any of the provisions of this act shall be cause  
2 for revocation or suspension of any license issued hereunder,  
3 notwithstanding that the same violation may constitute a crime or  
4 other offense under the laws of this State or any other state or  
5 jurisdiction. An indictment, prosecution and conviction arising out of  
6 any of the provisions of this act shall not be construed to preclude, if  
7 the evidence so warrants, an indictment, prosecution and conviction  
8 for any other crime or offense in this State or any other state or  
9 jurisdiction.

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

18

19       11. The superintendent shall promulgate rules and regulations  
20 necessary to carry out this the provisions of this act.

21

22       12. This act shall take effect on the first day of the 13th month  
23 after enactment, except that the superintendent may take, prior to the  
24 effective date, such anticipatory administrative action as shall be  
25 necessary for the implementation of this act.

26

27

28

#### STATEMENT

29

30       This bill would require that bounty hunters be regulated by the  
31 State Police. Bounty hunters currently are unregulated.

32       The bill defines a "bounty hunter" as a bail runner, bail recovery  
33 agent, bail enforcement agent, fugitive recovery agent or any other  
34 person who, for fee, hire or reward: 1) investigates the location or  
35 whereabouts of a person who has jumped bail or has failed to appear  
36 in a State or other court of law or failed to answer a charge, subpoena  
37 or court ordered inquiry when required; 2) assists in the apprehension,  
38 arrest, detention, confinement, surrender or securing of such person;  
39 or 3) keeps any such person under surveillance. The definition does  
40 not apply to law enforcement officers while in the performance of their  
41 duties.

42       Under the bill, bounty hunters would be required to be licensed by  
43 the State Police. An applicant for a bounty hunter license must  
44 complete the State Police application, pass a criminal history record  
45 background check and pay a fee and execute a bond in amounts  
46 established by rule and regulation. The license would be renewable



1 every two years. A licensed bounty hunter would be issued a bounty  
2 hunter identification card.

3 An unlicensed person who performs the functions of a bounty  
4 hunter or uses or displays a bounty hunter license or identification card  
5 commits a crime of the fourth degree. Fourth degree crimes are  
6 punishable by imprisonment of up to 18 months, a fine of up to  
7 \$10,000, or both. The bill specifies that a bounty hunter license does  
8 not confer upon the licensee the right to carry a weapon unless that  
9 person is otherwise authorized to do so under the State's firearms  
10 licensing laws. A person who violates this provision commits a crime  
11 of the fourth degree.

12 The bill also outlines the powers of the State Police to investigate  
13 violations of the bill's provisions. In addition, the bill establishes that  
14 the State Police may revoke or suspend a bounty hunter license for any  
15 such violation and that a civil penalty of up to \$1,000 for a first  
16 offense and up to \$2,500 for a subsequent offense may be imposed.

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 3828**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 9, 2005

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 3828.

As amended and reported by the committee, Assembly Bill No. 3828 requires bounty hunters to be regulated by the State Police. Bounty hunters currently are unregulated.

The amended bill defines a "bounty hunter" as a bail runner, bail recovery agent, bail enforcement agent, fugitive recovery agent or any other person who, for fee, hire or reward: 1) investigates the location or whereabouts of a person who has jumped bail or has failed to appear in a State or other court of law or failed to answer a charge, subpoena or court ordered inquiry when required; 2) assists in the apprehension, arrest, detention, confinement, surrender or securing of such person; or 3) keeps any such person under surveillance. The definition does not apply to law enforcement officers while in the performance of their duties.

Under the amended bill, bounty hunters are required to be licensed by the State Police. An applicant for a bounty hunter license must complete the State Police application, pass a criminal history record background check and pay a fee and execute a bond in amounts established by rule and regulation. The license would be renewable every two years. A licensed bounty hunter would be issued a bounty hunter identification card.

An unlicensed person who performs the functions of a bounty hunter or uses or displays a bounty hunter license or identification card commits a crime of the fourth degree. Fourth degree crimes are punishable by imprisonment of up to 18 months, a fine of up to \$10,000, or both. The amended bill specifies that a bounty hunter license does not confer upon the licensee the right to carry a weapon unless that person is otherwise authorized to do so under the State's firearms licensing laws. A person who violates this provision commits a crime of the fourth degree.

The amended bill also outlines the powers of the State Police to investigate violations of the bill's provisions. In addition, the amended bill establishes that the State Police may revoke or suspend a bounty hunter license for any such violation and that a civil penalty of up to

\$1,000 for a first offense and up to \$2,500 for a subsequent offense may be imposed.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

- 1) allow licensed bounty hunters to hire employees as necessary, but require the licensee to keep on file an "employee's statement," containing information about each employee; and
- 2) require any employee of a licensed bounty hunter to undergo a criminal history record background check.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'  
AFFAIRS COMMITTEE

STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 3828**

with committee amendments

**STATE OF NEW JERSEY**

DATED: DECEMBER 15, 2005

The Senate Law and Public Safety and Veterans' Affairs Committee reports without recommendation and with committee amendments Assembly Bill No. 3828 (1R).

This bill would require bounty hunters to be regulated by the State Police. Bounty hunters currently are unregulated.

As amended and reported by the committee, the bill defines a "bounty hunter" as a bail runner, bail recovery agent, bail enforcement agent, fugitive recovery agent or any other person who, for fee, hire or reward: 1) investigates the location or whereabouts of a person who has jumped bail or has failed to appear in a State or other court of law or failed to answer a charge, subpoena or court ordered inquiry when required; 2) engages in or assists in the apprehension, arrest, detention, confinement, surrender or securing of such person; or 3) keeps any such person under surveillance. The definition does not apply to law enforcement officers while in the performance of their duties.

Under the bill, bounty hunters are required to be licensed by the State Police. An applicant for a bounty hunter license must complete the State Police application, pass a criminal history record background check and pay a fee and execute a bond in amounts established by rule and regulation. The license would be renewable every two years. A licensed bounty hunter would be issued a bounty hunter identification card.

An unlicensed person who performs the functions of a bounty hunter or uses or displays a bounty hunter license or identification card commits a crime of the fourth degree. Fourth degree crimes are punishable by imprisonment of up to 18 months, a fine of up to \$10,000, or both. The bill specifies that a bounty hunter license does not confer upon the licensee the right to carry a weapon unless that person is otherwise authorized to do so under the State's firearms licensing laws. A person who violates this provision commits a crime

of the fourth degree.

The bill also outlines the powers of the State Police to investigate violations of the bill's provisions. In addition, the bill establishes that the State Police may revoke or suspend a bounty hunter license for any such violation and that a civil penalty of up to \$1,000 for a first offense and up to \$2,500 for a subsequent offense may be imposed.

Under the bill, licensed bounty hunters could hire employees as necessary, but require the licensee to keep on file an "employee's statement," containing information about each employee. These employees would be required to undergo a criminal history record background check.

It is the committee's understanding that nothing in this bill is to be construed to limit, restrict, or abrogate an individual's right to effectuate a citizen's arrest. Additionally, it is the committee's understanding that nothing in this bill is to be construed to prohibit a licensed bounty hunter from employing the use of force in effectuating an arrest of a defendant consistent with N.J.S.2C:3-11 and any other applicable law.

The committee amended the definition of bounty hunter in the bill to clarify that bounty hunters engage in, in addition to providing assistance in, the apprehension, arrest, detention, confinement, surrender or securing of certain offenders. The amendments also provide that an applicant may substitute five years experience as a licensed private detective or five years employment with a licensed private detective for the law enforcement experience required in the bill.

As amended and reported by the committee, this bill is identical to Senate Bill No. 2829.

STATEMENT TO  
[Second Reprint]  
**ASSEMBLY, No. 3828**

with Senate Floor Amendments  
(Proposed By Senators BUCCO and INVERSO)

ADOPTED: JANUARY 6, 2005

Assembly Bill No. 3828 (2R) requires bounty hunters to be regulated by the State Police. Bounty hunters currently are unregulated. Under the provisions of the bill, an applicant for a bounty hunter license must complete the State Police application, pass a criminal history record background check and pay a fee and execute a bond in amounts established by rule and regulation.

The bill also requires that bounty hunters have at least five years of law enforcement experience as a law enforcement officer with an organized law enforcement agency or at least five years experience as a licensed private detective or five years employment with a licensed private detective.

This Senate amendment provides that a person who, for at least five years prior to the bill's effective date, was employed as or in the business of being a bounty hunter, and who fulfills all of the bill's requirements except for the law enforcement or licensed private detective requirements in section 4, may apply to the superintendent to be licensed as a bounty hunter. The application must be received by the superintendent within 60 days of the bill's effective date.

STATEMENT TO  
[Third Reprint]  
**ASSEMBLY, No. 3828**

with Senate Floor Amendments  
(Proposed By Senator LESNIAK)

ADOPTED: JANUARY 9, 2006

Assembly Bill No. 3828 (3R) requires bounty hunters to be regulated by the State Police. Bounty hunters currently are unregulated. Under the provisions of the bill, an applicant for a bounty hunter license must complete the State Police application, pass a criminal history record background check and pay a fee and execute a bond in amounts established by rule and regulation.

The bill also requires that bounty hunters have at least five years of law enforcement experience as a law enforcement officer with an organized law enforcement agency, or at least five years experience as a licensed private detective. As amended by the Senate, the bill also offers bounty hunters with at least five years experience prior to the bill's effective date a 60-day window to apply to the superintendent to be licensed as a bounty hunter.

This Senate amendment requires those applicants, who do not possess law enforcement or private detective experience, to complete a training program established by the superintendent prior to being licensed as a bounty hunter.

It is the Legislature's intent that the education and training program required in this amendment is substantially similar to the requirements of states in proximity to New Jersey which offer training for bounty hunters.

**LEGISLATIVE FISCAL ESTIMATE**  
 [Fourth Reprint]  
**ASSEMBLY, No. 3828**  
**STATE OF NEW JERSEY**  
**211th LEGISLATURE**

DATED: FEBRUARY 21, 2006

**SUMMARY**

**Synopsis:** The "Bounty Hunter Licensing Act."  
**Type of Impact:** Minimal expenditure to be offset by fees authorized by the bill.  
**Agencies Affected:** Department of Law and Public Safety; Division of State Police.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b>FY 2008</b>	<b>FY 2009</b>	<b>FY 2010</b>
<b>State Cost</b>	Minimal expenditure to be offset by fees authorized by the bill.		
<b>Revenue</b>	Undetermined -- See comments below.		

- ! Requires the Superintendent of State Police to regulate bounty hunters under the "Bounty Hunter Licensing Act."
- ! Provides that a licensed bounty hunter would be issued a bounty hunter identification card renewable every two years. A fee may be established to cover expenses incurred by the State.
- ! Requires bounty hunters and their employees to undergo a criminal history record background check by the Division of State Police.
- ! Specifies those who perform the functions of a bounty hunter without being properly licensed by the State commit a crime of the fourth degree.
- ! Requires applicants who do not have five years law enforcement or private detective experience to complete a training program established by the superintendent prior to being licensed as a bounty hunter. The bill allows for expenses associated with this training to be offset by fees charged to the applicants.

**BILL DESCRIPTION**

Assembly Bill No. 3828 (4R) of 2005 requires bounty hunters to be regulated by the Division of State Police under the "Bounty Hunter Licensing Act."



Currently, bounty hunters are unregulated. This bill requires an applicant for a bounty hunter license to complete the State Police application, pass a criminal history record background check and pay a fee and execute a bond in amounts established by rule and regulation. The license would be renewable every two years. A licensed bounty hunter would be issued a bounty hunter identification card. Additionally, the bill requires any employee of a licensed bounty hunter to undergo a criminal history record background check.

This bill also requires the Superintendent of State Police to establish an education and training program for bounty hunters who apply for a license. The superintendent may also establish reasonable charges for training and education to offset costs as needed.

An unlicensed person who performs the functions of a bounty hunter or uses or displays a bounty hunter license or identification card commits a crime of the fourth degree which is punishable by 18 months imprisonment, a fine of \$10,000, or both. The bill specifies that a bounty hunter license does not confer upon the licensee the right to carry a weapon unless that person is otherwise authorized to do so under the State's firearms licensing laws. A person who violates this provision commits a crime of the fourth degree. The bill also outlines the powers of the State Police to investigate violations of the bill's provisions.

In addition, the bill establishes that the State Police may revoke or suspend a bounty hunter license for any such violation and that a civil penalty of up to \$1,000 for a first offense and up to \$2,500 for a subsequent offense may be imposed.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

A representative from the Department of Law and Public Safety unofficially determined there would be a minimal expenditure to implement this bill. The Division of State Police is currently conducting background checks for private investigators and security guards. The representative noted that the division could absorb the additional background checks and licensure for bounty hunters.

### ***OFFICE OF LEGISLATIVE SERVICES***

The Office of Legislative Services estimates this bill would require minimal expenditures that would be offset by authorized fees.

According to a representative from the America Bail Coalition, there are an estimated 300 bounty hunters nationwide.

Section: *Law and Public Safety*

Analyst: *Kristin A. Brunner*  
*Associate Fiscal Analyst*

Approved: *David J. Rosen*  
*Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

**SENATE, No. 2829**

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

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INTRODUCED NOVEMBER 10, 2005

**Sponsored by:**

**Senator SHIRLEY K. TURNER**

**District 15 (Mercer)**

**Senator FRED MADDEN**

**District 4 (Camden and Gloucester)**

**SYNOPSIS**

The "Bounty Hunter Licensing Act."

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/16/2005)**

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; assists in the apprehension, arrest, detention,  
19 confinement, surrender or securing of any such person; or keeps any  
20 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.  
41 Any person who violates the provisions of this section shall be guilty  
42 of a crime of the fourth degree.

43  
44 4. a. An application for licensure as a bounty hunter shall be  
45 submitted to the superintendent by the applicant on a form and in a  
46 manner prescribed by the superintendent and shall contain the

1 following information:

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

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

5 (3) verification that the applicant has had at least five years of law  
6 enforcement experience as a law enforcement officer with an organized  
7 law enforcement agency of this State, or of any political subdivision  
8 of this State, or of the United States or of any state, territory or  
9 possession of the United States, and is no longer employed by or  
10 attached in any capacity whatsoever to any law enforcement agency;

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

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

15 Each application shall be accompanied by the written approval of  
16 not fewer than five reputable citizens who have known the applicant  
17 for at least three years preceding the date of application and who shall  
18 certify that the applicant is a person of good moral character and  
19 behavior.

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

24  
25 5. a. Each applicant for licensure as a bounty hunter shall submit  
26 to being fingerprinted in accordance with applicable State and federal  
27 laws, rules and regulations for the purpose of a criminal history record  
28 background check to be performed by the superintendent. No check  
29 of criminal history record background information shall be performed  
30 pursuant to this section unless the applicant has furnished written  
31 consent to such check. An applicant who refuses to consent to, or  
32 cooperate in, the securing of a check of criminal history record  
33 background information shall not be considered for licensure as a  
34 bounty hunter. Each applicant shall bear the cost of the criminal  
35 history record background check, including all costs of administering  
36 and processing the check. The superintendent shall compare the  
37 applicant's fingerprints with information on file with the State Bureau  
38 of Identification in the Division of State Police and the Federal Bureau  
39 of Investigation consistent with applicable State and federal laws, rules  
40 and regulations.

41 b. No person shall be licensed as a bounty hunter under the  
42 provisions of this act if the person has been convicted, as indicated by  
43 a 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 the issuance of a license would be contrary to  
3 the public interest, as determined by the superintendent.  
4

5 6. The superintendent, when satisfied with the examination of any  
6 application, and such further inquiry and investigations as he shall  
7 deem proper as to the good character, competency and integrity of the  
8 applicant, shall issue a bounty hunter license to an applicant upon  
9 payment of a fee in an amount established by the superintendent by  
10 rule and regulation and execution of a bond in a manner, form and  
11 amount satisfactory to the superintendent as established by rule and  
12 regulation. The license shall be renewable every two years upon  
13 payment of a renewal fee in an amount established by the  
14 superintendent by rule and regulation.  
15

16 7. a. The superintendent shall cause to be issued to a licensed  
17 bounty hunter an identification card containing such information as the  
18 superintendent shall prescribe.

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

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

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

31 e. Any person who violates the provisions of this section shall be  
32 guilty of a crime of the fourth degree in addition to any other crime or  
33 offense specified by law.  
34

35 8. a. The holder of any license issued under the provisions of this  
36 act may employ as many persons as the licensee may deem necessary  
37 to assist the licensee in the licensee's work and in the conduct of the  
38 licensee's business. The licensee shall be liable, accountable and  
39 responsible for the actions and conduct in connection with his or her  
40 business of each person so employed.

41 b. The holder of any license issued under the provisions of this act  
42 shall require each person employed to execute and furnish a verified  
43 statement, to be known as an "employee's statement," which shall set  
44 forth the employee's full name, residence, place and date of birth and  
45 such other information as the superintendent shall require by rule or  
46 regulation. The licensee shall retain in safe keeping, and the

1 superintendent shall at all times have access to and may from time to  
2 time examine, each “employee’s statement.” The holder of any license  
3 issued under the provisions of this act shall pay to the superintendent  
4 an additional fee, in an amount established by the superintendent by  
5 rule or regulation, for each person employed by the licensee.

6 c. A licensee who fails to comply with any of the provisions of this  
7 section shall be guilty of a crime of the fourth degree in addition to any  
8 other crime or offense specified by law. Any person who shall  
9 knowingly make a false statement in or knowingly omit any material  
10 information from the “employee’s statement” required by this section  
11 shall be guilty of a crime of the fourth degree in addition to any other  
12 crime or offense specified by law.

13  
14 9. a. Each person seeking employment by a licensed bounty hunter  
15 pursuant to the provisions of this act shall submit to being  
16 fingerprinted in accordance with applicable State and federal laws,  
17 rules and regulations for the purpose of a criminal history record  
18 background check to be performed by the superintendent. No check  
19 of criminal history record background information shall be performed  
20 pursuant to this section unless the person has furnished written  
21 consent to such check. Anyone who refuses to consent to, or  
22 cooperate in, the securing of a check of criminal history record  
23 background information shall not be considered for employment by the  
24 licensee. The prospective employee shall bear the cost of the criminal  
25 history record background check, including all costs of administering  
26 and processing the check. The superintendent shall compare the  
27 person’s fingerprints with information on file with the State Bureau of  
28 Identification in the Division of State Police and the Federal Bureau  
29 of Investigation consistent with applicable State and federal laws, rules  
30 and regulations.

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

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

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

39 (3) an offense where employment of the person by the licensee  
40 would be contrary to the public interest, as determined by the  
41 superintendent.

42 c. A person who is required to be licensed pursuant to the  
43 provisions of this act who employs any person for whom a criminal  
44 history record background check required by this section has not been  
45 performed or whom the licensee knows has been convicted of a  
46 disqualifying crime or offense as set forth in this section shall be guilty

1 of a crime of the fourth degree in addition to any other crime or  
2 offense specified by applicable law. Each violation of this section shall  
3 constitute a separate offense.

4  
5 10. a. Any person who is required to be licensed pursuant to the  
6 provisions of this act who enters any premises or dwelling without  
7 license or privilege or who employs the use of unlawful force in  
8 assisting in the apprehension, arrest, detention, confinement,  
9 surrender, securing or surveillance of any person who has violated the  
10 provisions of N.J.S.2C:29-7 or has failed to appear in any court of law  
11 in this State or any other state, when so required by law, or has failed  
12 to answer any charge, subpoena or court ordered inquiry, when so  
13 required by law, shall, in addition to any other criminal penalties  
14 provided under law, be guilty of a crime of the fourth degree.

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

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

23  
24 11. For the purpose of investigating whether a person has engaged  
25 in, or is engaging in, any act or practice declared unlawful under this  
26 act, or for the purpose of investigating the character, competency,  
27 integrity or methods of operation of applicants or licensees hereunder,  
28 the superintendent shall have the power to:

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

33 b. administer oaths or affirmations and examine any person in  
34 connection with any investigation;

35 c. inspect any premises and examine any record, book, computer,  
36 electronic database, recording device, document, account, paper or  
37 other tangible thing, without prior notification, in connection with any  
38 investigation;

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

45 (1) with the consent of the applicant, licensee or other person  
46 being investigated or the employee, agent or other individual who is

1 in control of the premises upon which an investigation is being  
2 conducted;

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

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

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

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

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

17

18 12. a. A violation of any of the provisions of this act shall be cause  
19 for revocation or suspension of any license issued hereunder,  
20 notwithstanding that the same violation may constitute a crime or  
21 other offense under the laws of this State or any other state or  
22 jurisdiction. An indictment, prosecution and conviction arising out of  
23 any of the provisions of this act shall not be construed to preclude, if  
24 the evidence so warrants, an indictment, prosecution and conviction  
25 for any other crime or offense in this State or any other state or  
26 jurisdiction.

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

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36 13. The superintendent shall promulgate rules and regulations  
37 necessary to carry out this the provisions of this act.

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39 14. This act shall take effect on the first day of the 13th month  
40 after enactment, except that the superintendent may take, prior to the  
41 effective date, such anticipatory administrative action as shall be  
42 necessary for the implementation of this act.



STATEMENT

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This bill would require bounty hunters to be regulated by the State Police. Bounty hunters currently are unregulated.

The bill defines a "bounty hunter" as a bail runner, bail recovery agent, bail enforcement agent, fugitive recovery agent or any other person who, for fee, hire or reward: 1) investigates the location or whereabouts of a person who has jumped bail or has failed to appear in a State or other court of law or failed to answer a charge, subpoena or court ordered inquiry when required; 2) assists in the apprehension, arrest, detention, confinement, surrender or securing of such person; or 3) keeps any such person under surveillance. The definition does not apply to law enforcement officers while in the performance of their duties.

Under the bill, bounty hunters are required to be licensed by the State Police. An applicant for a bounty hunter license must complete the State Police application, pass a criminal history record background check and pay a fee and execute a bond in amounts established by rule and regulation. The license would be renewable every two years. A licensed bounty hunter would be issued a bounty hunter identification card.

An unlicensed person who performs the functions of a bounty hunter or uses or displays a bounty hunter license or identification card commits a crime of the fourth degree. Fourth degree crimes are punishable by imprisonment of up to 18 months, a fine of up to \$10,000, or both. The bill specifies that a bounty hunter license does not confer upon the licensee the right to carry a weapon unless that person is otherwise authorized to do so under the State's firearms licensing laws. A person who violates this provision commits a crime of the fourth degree.

The bill also outlines the powers of the State Police to investigate violations of the bill's provisions. In addition, the bill establishes that the State Police may revoke or suspend a bounty hunter license for any such violation and that a civil penalty of up to \$1,000 for a first offense and up to \$2,500 for a subsequent offense may be imposed.

Under the bill, licensed bounty hunters could hire employees as necessary, but require the licensee to keep on file an "employee's statement," containing information about each employee. These employees would be required to undergo a criminal history record background check.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'  
AFFAIRS COMMITTEE

STATEMENT TO

**SENATE, No. 2829**

with committee amendments

**STATE OF NEW JERSEY**

DATED: DECEMBER 15, 2005

The Senate Law and Public Safety and Veterans' Affairs Committee reports without recommendation and with committee amendments Senate Bill No. 2829.

This bill would require bounty hunters to be regulated by the State Police. Bounty hunters currently are unregulated.

As amended and reported by the committee, the bill defines a "bounty hunter" as a bail runner, bail recovery agent, bail enforcement agent, fugitive recovery agent or any other person who, for fee, hire or reward: 1) investigates the location or whereabouts of a person who has jumped bail or has failed to appear in a State or other court of law or failed to answer a charge, subpoena or court ordered inquiry when required; 2) engages in or assists in the apprehension, arrest, detention, confinement, surrender or securing of such person; or 3) keeps any such person under surveillance. The definition does not apply to law enforcement officers while in the performance of their duties.

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violations of the bill's provisions. In addition, the bill establishes that the State Police may revoke or suspend a bounty hunter license for any such violation and that a civil penalty of up to \$1,000 for a first offense and up to \$2,500 for a subsequent offense may be imposed.

Under the bill, licensed bounty hunters could hire employees as necessary, but require the licensee to keep on file an "employee's statement," containing information about each employee. These employees would be required to undergo a criminal history record background check.

It is the committee's understanding that nothing in this bill is to be construed to limit, restrict, or abrogate an individual's right to effectuate a citizen's arrest. Additionally, it is the committee's understanding that nothing in this bill is to be construed to prohibit a licensed bounty hunter from employing the use of force in effectuating an arrest of a defendant consistent with N.J.S.2C:3-11 and any other applicable law.

The committee amended the definition of bounty hunter in the bill to clarify that bounty hunters engage in, in addition to providing assistance in, the apprehension, arrest, detention, confinement, surrender or securing of certain offenders. The amendments also provide that an applicant may substitute five years experience as a licensed private detective or five years employment with a licensed private detective for the law enforcement experience required in the bill.

As amended and reported by the committee, this bill is identical to Assembly Bill No. 3828 (1R).