Article 15. Bail Enforcement Agent Licensing

16-15-1. Definitions. For purposes of these regulations, each of the following terms shall have the meaning specified in this regulation:

(a) "Attorney general" means the Kansas attorney general and the attorney general's designees.

(b) "Authorization" means a registration, certificate, permit, licensure, or other documented approval that allows an applicant or a licensee to act as a bail enforcement agent or bounty hunter in another jurisdiction.

(c) "Conviction" means any of the following, whether the penalty has been imposed, reduced, suspended, deferred, or otherwise withheld, unless the conviction has been expunged:

(1) An unvacated adjudication of guilt;

(2) a plea of guilty or nolo contendere accepted by the court; or

(3) a deferred judgment or probation agreement.

(d) "Encumbered" means that the issuing authority for an authorization has fined, censured, limited, conditioned, suspended, revoked, or taken any other similar action or penalty against the authorization, whether done publicly or privately.

(e) "Expunged" shall have the meaning consistent with the definition of "expungement" in K.S.A. 21-5111, and amendments thereto, which shall include substantially similar processes from other jurisdictions.

(f) "Jurisdiction" means any of the following:

(1) Kansas, or any other state of the United States, and any department or branch of that state's government, or any agency, authority, institution, or other instrumentality thereof;

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(2) municipality, which shall mean any county, township, city, school district, or other political or taxing subdivision of Kansas, or any other state of the United States, or any agency, authority, institution, or other instrumentality thereof;

(3) the District of Columbia;

(4) any territory of the United States; or

(5) any district, province, territory, or state of any foreign country.

(g) "License" means a bail enforcement agent license issued by Kansas.

(h) "Licensee" means a person who holds a license.

This regulation shall become effective on July 1, 2016. (Authorized by 2016 S Sub for HB 2056, § 7; implementing 2016 S Sub for HB 2056, §§ 3, 6; effective,

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16-15-2. Application for license. (a) Except as otherwise provided by law, each person wanting to engage in activities as a bail enforcement agent, which is commonly known as a bounty hunter, shall submit an application to the attorney general on the form prescribed by the attorney general.

(b) The application shall be available electronically on the attorney general's web site. A printed copy of the application, the bail enforcement agent licensing act, and these regulations may be obtained from the attorney general for a fee of $15.

(c) Each applicant shall meet the following requirements:

(1) Complete the entire application under penalty of perjury;

(2) have notarized those portions of the application required to be notarized; and

(3) make complete and correct statements in the application.

(d) The applicant's fingerprints shall be taken at a law enforcement agency. The fingerprint card shall include the name of the person who took the applicant's fingerprints.

(e) An application shall be deemed incomplete and shall not be considered for approval by the attorney general if the application fails to include any of the following:

(1) All signatures and information required by the application;

(2) payment of all required fees as specified in K.A.R. 16-15-3; or

(3) all attachments required by the application.

(f) Each application that remains incomplete for at least 30 days following the attorney general's request for the applicant to provide any missing information shall be deemed abandoned and shall be withdrawn from consideration.

(g) Each applicant shall include the following with the application:

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(1) The applicant's full name, date of birth, residential address, business address, and name of the applicant's current employer or employers;

(2) in accordance with K.A.R. 16-15-3, payment of the following:

(A) The initial licensure fee; and

(B) the fee for the criminal history records check;

(3) a photocopy of the applicant's driver's license or other government-issued identification card from the applicant's state of residence;

(4) two color, passport-size photographs of the applicant taken within the preceding 30 days. Each photograph shall depict a full-frontal view of the applicant's head;

(5) a statement of the applicant's employment history;

(6) one classifiable set of the applicant's fingerprints taken by a federal, state, or municipal law enforcement agency;

(7) if the applicant has a criminal history, a statement of the applicant's entire criminal history including, pursuant to K.S.A. 12-4516 and K.S.A. 2015 Supp. 21-6614 and amendments thereto, any criminal history that has been expunged;

(8) a copy of the criminal history waiver form that was completed by the applicant before getting the applicant's fingerprints taken by a law enforcement agency;

(9)(A) If the applicant holds or has held an authorization to act as a bail enforcement agent in a jurisdiction other than Kansas, a copy of any current or prior authorizations held by the applicant or, if the prior authorization is no longer in the possession of the applicant, a description of who the authorizing entity was and a date as to when the authorization was last valid; and

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(B) if any current or prior authorization has been encumbered by the authorizing entity, an explanation as to why that authorization was encumbered and a certified copy of any document ordering or establishing that encumbrance. The certified copy shall be submitted by the authorizing entity directly to the attorney general; and

(10) a statement that the applicant does not meet the criteria for denial of licensure under 2016 S Sub for HB 2056, § 3, and amendments thereto, and does not meet the criteria for any encumbrance pursuant to 2016 S Sub for HB 2056, § 6, and amendments thereto.

(h) Each applicant shall be responsible for the payment of any other expenses required in order to complete the application requirements specified in this regulation.

This regulation shall become effective on July 1, 2016. (Authorized by 2016 S Sub for HB 2056, § 7; implementing 2016 S Sub for HB 2056, §§, 3, 6, and 8; effective, T-_____,_____.)

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16-15-3. Fees. (a) The following fees shall be submitted in full to the attorney general when required:

(1) An initial licensure fee of $200, less the materials fee if that fee was previously paid;

(2) a renewal of licensure fee of $175, less the materials fee if that fee was previously paid;

(3) in accordance with K.A.R. 16-15-2 or 16-15-4, a fee of $57 for the criminal history records check; and

(4) a materials fee of $15 if the applicant or licensee requests a printed copy of any of the application or renewal application materials before submitting an application.

(b) All fees, whether paid in full or part, associated with any complete or incomplete application shall be nonrefundable.

(c) Payment of application fees and renewal application fees shall be submitted by personal check, cashier's check, or money order and shall be payable to the attorney general. An applicant or licensee who has previously had a personal check submitted to the attorney general that was returned unpaid for any reason shall not be allowed to pay any required fees with a personal check.

(d) A fee of $15 shall be charged to any licensee for a duplicate license. Each licensee requesting a duplicate license shall submit a notarized affidavit attesting to the circumstances surrounding the license being lost or stolen.

This regulation shall become effective on July 1, 2016. (Authorized by 2016 S Sub for HB 2056, § 7; implementing 2016 S Sub for HB 2056, §§ 3, 5, and 8; effective, T-_____, _____.)

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16-15-4. License renewal. (a) Any license issued under the bail enforcement agent licensing act may be renewed every two years from the license issuance date.

(b) Fingerprints and the photographs of a licensee shall not be required in a renewal application, unless these items have already been on file with the attorney general for more than four years.

(c)(1) Each renewal application shall be submitted on the form prescribed by the attorney general and shall be complete before the license shall be eligible for renewal by the attorney general.

(2) A renewal application shall be deemed incomplete and shall not be considered for approval if the applicant fails to include any of the following:

(A) All signatures and information required by the renewal application;

(B) payment of all required fees as provided in K.A.R. 16-15-3; or

(C) all attachments required by the renewal application.

(3) A complete renewal application shall be deemed submitted according to either of the following:

(A) If mailed, the date of the last postmark on the complete renewal application; or

(B) if filed in person, the last file-stamped date applied to the complete renewal application by the attorney general.

(d) If a licensee has not submitted a complete renewal application within 30 days of the license expiration date, that license shall be considered abandoned and shall not be renewed. Any abandoned license may be reissued only after the individual successfully completes the initial application process specified in K.A.R. 16-15-2.

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(e) Upon submitting a renewal application, each licensee shall notify the attorney general of the following:

(1) Any new authorizations that have been obtained by that licensee;

(2) any authorizations that have lapsed or otherwise expired; and

(3) if not already submitted to the attorney general, any authorization that has been encumbered by the issuing jurisdiction.

This regulation shall become effective on July 1, 2016. (Authorized by 2016 S Sub for HB 2056, § 7; implementing 2016 S Sub for HB 2056, §§ 5, 8; effective, T-_____,_____.)

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