

AN ACT

ENTITLED, An Act to revise certain provisions concerning bail bondspersons.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That chapter 58-22 be amended by adding a NEW SECTION to read:

No bail bondsperson may post a corporate surety bond under the bondsperson's own license for the licensee's release from incarceration.

Section 2. That chapter 58-22 be amended by adding a NEW SECTION to read:

The director retains the authority to enforce the provisions of and impose any penalty or remedy authorized by this chapter and title 58 against any person who is under investigation for or charged with any violation of this chapter or title 58 even if the person's license has been surrendered or has lapsed by operation of law.

Section 3. That chapter 58-22 be amended by adding a NEW SECTION to read:

A person licensed under this chapter shall report any felony criminal prosecution of the person taken in any jurisdiction to the director within thirty days of the initial pretrial hearing date. The report shall include a copy of the initial complaint filed, the order resulting from the hearing, and any other relevant legal documents.

For purposes of this section, initial pretrial hearing means either a defendant's arraignment or the first time that a defendant who is accused of a crime, or the defendant's attorney, appears before a court in a criminal action in any jurisdiction, whichever occurs first.

Section 4. That § 58-22-14 be amended to read:

58-22-14. The applicant for any license under this chapter shall apply in writing, on forms prepared and supplied by the director, and the director may propound any reasonable interrogatories to an applicant for a license under this chapter or on any renewal thereof, relating to the applicant's qualifications, residence, prospective place of business, and any other matters which, in the opinion

of the director, are deemed necessary or expedient in order to protect the public and ascertain the qualifications of the applicant. The director may also conduct any reasonable inquiry or investigation the director sees fit, relative to the determination of the applicant's fitness to be licensed or to continue to be licensed. The applicant shall provide any necessary authorization requested by the director to facilitate an inquiry or investigation.

As part of any application to obtain licensure as a bail bondsperson or runner under this chapter, each applicant shall submit to a state and federal criminal background investigation by means of fingerprint checks by the Division of Criminal Investigation and the Federal Bureau of Investigation. Upon application, the director shall submit completed fingerprint cards to the Division of Criminal Investigation for purposes of conducting both the state and federal criminal background investigation. Upon completion of the criminal background investigation the Division of Criminal Investigation shall forward to the director all information obtained as a result of the criminal background investigation. The applicant is responsible for any costs associated with background investigations as charged by the appropriate agency conducting and furnishing any background investigations. Failure to submit or cooperate with any criminal background investigation is grounds for denial of an application for licensure under this chapter.

Section 5. That § 58-22-16 be amended to read:

58-22-16. The applicant shall appear in person and take a written examination prepared by the director, testing the applicant's ability and qualifications to be a bail bondsperson or runner.

Each examination shall be held at a time and place as designated by the director.

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I certify that the attached Act
originated in the

SENATE as Bill No. 38

Secretary of the Senate

President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 38

File No. _____

Chapter No. _____

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Received at this Executive Office
this ____ day of _____,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State