

**WEST VIRGINIA  
SECRETARY OF STATE  
KEN HECHLER  
ADMINISTRATIVE LAW DIVISION**

Form #5

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE  
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: West Virginia State Police TITLE NUMBER: 81

CITE AUTHORITY: 51-10A-2(g) and 15-2-25

RULE TYPE: PROCEDURAL \_\_\_\_\_ INTERPRETIVE X

EXEMPT LEGISLATIVE RULE \_\_\_\_\_

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW  
\_\_\_\_\_

AMENDMENT TO AN EXISTING RULE: YES \_\_\_\_\_ NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_  
\_\_\_\_\_

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 15

TITLE OF RULE BEING PROPOSED: Bail Bond Enforcer Registration, Authorization and  
Notification Procedures and Requirements

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE  
EFFECTIVE DATE OF THIS RULE IS September 18, 2000

  
Authorized Signature

**SCANNED**

\$3.40

FILED

81CSR15

AUG 17 9 35 AM '00

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**TITLE 81  
INTERPRETIVE RULE  
WEST VIRGINIA STATE POLICE**

**SERIES 15  
BAIL BOND ENFORCER REGISTRATION,  
AUTHORIZATION AND NOTIFICATION  
PROCEDURES AND REQUIREMENTS**

**§ 81-15-1. General**

1.1. Scope. – This interpretive rule explains the procedures for bail bond enforcer registration, the requirements for becoming a bail bond enforcer and the responsibilities of the parties involved.

1.2. Authority – W.Va. Code §§ 51-10A-2 and 15-2-25.

1.3. Filing Date. –

1.4. Effective Date. –

**§ 81-15-2. Definitions**

2.1. "Bail bondsman" means any person, partnership or corporation engaged for profit in the business of furnishing bail, making bonds or entering into undertakings, as surety, for the appearance of persons charged with a criminal offense or violation of law punishable by fine or imprisonment before any court within or without this state. The term "bail bondsman" includes, but is not limited to, persons conducting a bonding business as defined in §51-10-1 of the Code of W. Va.

2.2. "Bail bond enforcer" means a nonresident bail bond enforcer and/or a resident bail bond enforcer as defined in sections 2.4. and 2.8. of this rule.

2.3. "Enforcement Authorization" means a written agreement between a bail bondsman and a bail bond enforcer allowing the bail bond enforcer to act on behalf of the bail bondsman as defined in sections 2.4. and 2.8. of this rule.

2.4. "Nonresident bail bond enforcer" means a person who is registered and authorized as provided for in this rule, who is not a resident of the state of West Virginia and who on behalf of

a bail bondsman enters this state for the purpose of: (1) assisting a bail bondsman in presenting the defendant in court when required; (2) assisting in the apprehension and surrender of the defendant to a court; (3) keeping a defendant under surveillance; or (4) executing bonds on behalf of a bail bondsman when a power of attorney has been duly recorded.

2.5. "Notification" means communication by a bail bond enforcer or a bail bondsman with the West Virginia State Police, by letter or by facsimile, for the purpose of reporting anticipated actions on the part of the bail bond enforcer as required in section 4.4.a. and 4.4.b. of this rule.

2.6. "Registration Authorization" means a written statement from a bail bondsman indicating a bail bond enforcer has authority to act as an agent for the bail bondsman. This authorization is for the sole purpose of registration of the bail bond enforcer and does not grant enforcement authority.

2.7. "Resident" means a person who maintains his/her permanent principal home within the boundaries of the state of West Virginia and such domicile has been maintained for not less than thirty consecutive days prior to his/her application for registration.

2.8. "Resident bail bond enforcer" means a person who is registered and authorized as provided for in this rule, who is a resident of the state of West Virginia who acts on behalf of a bail bondsman by: (1) assisting a bail bondsman in presenting the defendant in court when required; (2) assisting in the apprehension and surrender of the defendant to a court; (3) keeping a defendant under surveillance; or (4) executing bonds on behalf of a bail bondsman when a power of attorney has been duly recorded.

### **§ 81-15-3. Persons Required to Register**

3.1. Any person performing the functions of a bail bond enforcer as described in § 51-10A-1(b) of the Code of W. Va. and/or any person acting in the capacity of a bail bond enforcer as described in § 51-10A-2(a) of the Code of W. Va. must register as a bail bond enforcer.

3.2. Registration shall be for an individual person. A firm, partnership, or corporation, as such, may not be registered as a bail bond enforcer.

### **§ 81-15-4 Requirements and Procedures for Registration, Authorization and Notification**

4.1. Applicants for bail bond enforcer registration must meet the following registration requirements:

- a. Be twenty-one (21) years of age or older on date of application.
- b. Be a citizen of the United States.

c. Have no convictions for any felony crime.

d. Have no convictions for any misdemeanor that was violent in nature or that involved a firearm or other dangerous weapon.

4.2. Registration as a Bail Bond Enforcer requires the applicant to submit the following items to the West Virginia State Police:

a. Completed Bail Bond Enforcer Registration Application.

b. Two (2) complete sets of fingerprints (Federal and State Applicant) taken by a member or authorized civilian employee of the West Virginia State Police. (A valid government issued photo identification must be presented before the registrant will be fingerprinted. Acceptable identification includes but is not limited to driver's license, non drivers identification cards, and military identification cards).

c. Two (2) recent, full face, color photographs of the registrant. Minimum size: 3" x 3", maximum size: 4" x 6".

d. A minimum of one (1) completed registration authorization or enforcement authorization as specified in section 4.3.b. (Additional enforcement authorizations may be submitted once the registration is approved)

e. Registration and authorization filing fees as required by section 7 of this rule.

4.3. Authorization of a bail bond enforcer:

a. Authorization shall be for an individual person. A firm, partnership, or corporation, as such, may not receive authorization as a bail bond enforcer.

b. A Registration Authorization Form must be included with the Bail Bond Enforcer Registration Application, but if an Enforcement Authorization is submitted with the registration application a Registration Authorization is not required. Enforcement authorization forms may be submitted with the registration application or at any time during the active life of the registration.

c. Registration and/or enforcement authorization shall be made through the use of the applicable Bail Bond Enforcer Authorization Form(s), available from: West Virginia State Police, Criminal Records Section, Bail Bond Enforcer Registration, 725 Jefferson Road, South Charleston, West Virginia 25309-1698.

d. Upon approval, the registrant will be issued an Enforcement Authorization Card by the West Virginia State Police indicating a valid enforcement authorization is on file. The Enforcement Authorization Card and a valid government issued photo identification must be

carried by the bail bond enforcer when performing activities as defined in section 2.4. and/or 2.8. of this rule. In addition, a bail bond enforcer conducting a bail bond apprehension must have in his/her possession written documentation authorizing the apprehension of the person. Written documentation shall be in the form of a bail piece or a completed Apprehension Form.

e. A duplicate Enforcement Authorization Card may be obtained for cards that are lost or stolen by making a written request to the Director, West Virginia State Police, Criminal Records Section and submitting the required fee as set forth in 7.6. of this rule. The West Virginia State Police reserves the right to reject requests for multiple replacement cards.

f. No enforcement authorization shall become effective until it has been received, approved and placed on file by the West Virginia State Police.

g. Bail bond enforcers who have a valid registration on file may forward the initial or additional enforcement authorization forms, along with the appropriate fee(s) to the West Virginia State Police, Criminal Records Section, Bail Bond Enforcer Registration.

#### 4.4. Pre-action notification required by bail bond enforcers

a. Prior to taking or attempting to take into custody any defendant the bail bond enforcer shall make notification of such intention to the West Virginia State Police primary station responsible for the area in which the bail bond enforcer will be acting. A list of the primary stations and the counties covered by each is available from the West Virginia State Police, Criminal Records Section.

b. A nonresident bail bond enforcer shall additionally be required to make notification to the West Virginia State Police detachment responsible for the area in which he/she will be acting as to the date the he/she will enter the state. A nonresident bail bond enforcer shall also make notification when he/she has concluded his/her actions within the state and as to when he/she will leave the state.

c. A bail bond enforcer who has made the required pre-action notification who learns that the subject is in a county not included in the initial pre-action notification shall make an additional pre-action notification as required in section 4.4.a.

d. A bail bond enforcer, who has made the pre-action notification required in 4.4.a., who is in active pursuit of an individual is not required to make additional written notification if the subject enters a county not included in the initial pre-action notification. Provided that the bail bond enforcer shall contact the West Virginia State Police detachment responsible for the county by telephone or in person as soon as reasonably possible and make a verbal notification.

#### **§ 81-15-5 Expiration, Revocation, Denial, Renewal and Limitations of Registration,**

## **Authorization and Notifications**

5.1. Registration and enforcement authorization(s) must be approved and on file with the West Virginia State Police before the enforcer can act in such a capacity.

5.2. Registration is valid for a period of two (2) years from the date of approval.

5.3. Registration shall be deemed revoked at such time as the registrant becomes unable to meet the criteria for initial registration set forth in section 4.1. of this rule or if the registrant conducts any activity in noncompliance with the provisions of this rule or §51-10A-2 of the Code of W. Va.

5.4. If a bondsman ceases to function as such, any and all authorizations made by the bondsman will expire at the time the bondsman ends such business.

5.5. A bondsman may revoke any authorization given by them by notifying the Director of the Criminal Records Section of the West Virginia State Police in writing.

5.6. Return of a personal check used to pay registration and/or authorization fees will result in the revocation of the authorization and/or registration of the bail bond enforcer.

5.7. Authorization cards remain the property of the West Virginia State Police and shall be returned to the Director of the Criminal Records Section upon revocation of such authorization. Return of expired authorization cards is not required.

5.8. Any attempt to use an expired authorization card shall be grounds for revocation of the bail bond enforcer registration.

5.9. Renewal of a registration shall be accomplished by submitting the following items:

- a. Completed Bail Bond Enforcer Registration Application
- b. Two (2) recent, full face, color photographs of the registrant. Minimum size 3" x 3", maximum size 4" x 6".
- c. A minimum of one (1) completed registration authorization or enforcement authorization unless a valid registration or enforcement authorization is on file and in effect at the time of the registration renewal.

5.10. Authorizations as such are not renewable, however a bail bondsman may make a new authorization to the same bail bond enforcer setting forth the same conditions as a previous authorization which has expired.

## **§ 81-15-6 Limitations of Bail Bond Enforcers**

6.1. Bail bond enforcers may not enter an occupied residential structure without the consent of the occupants who are present at the time of the entry.

6.2. Bail bond enforcers may not conduct a bail recovery apprehension without written authorization as required in sections 4.3.d. and 5.1 of this rule.

6.2. Bail bond enforcers shall not wear, carry or display any uniform, badge, shield or other insignia or emblem that implies the bail bond enforcer is an employee, officer or agent of this state or any other state, a political subdivision of this state or any other state or of the federal government. A bail bond enforcer may display identification that indicates his/her status as a bail bond enforcer only.

6.4. A bail bond enforcer shall not conduct a bail bond apprehension without exercising due care to protect the safety of persons other than the defendant and the property of persons other than the defendant.

6.5. Registration and/or authorization does not authorize a bail bond enforcer to carry any dangerous or deadly weapon or exempt the bail bond enforcer from the requirements of § 61-7-3 of the Code of W. Va. or any other provisions of law.

## **§ 81-15-7 Fees**

7.1. Fees shall be paid by personal check, cashier's check or money order only, cash payments are not acceptable.

7.2. A non-refundable fee of fifty dollars (\$50.00) must accompany initial and renewal applications for registration as a bail bond enforcer.

7.3. A non-refundable fee of ten dollars (\$10.00) must accompany each registration authorization.

7.4. A non-refundable fee of ten dollars (\$10.00) must accompany each enforcement authorization.

7.5. No fee is required for notifications.

7.6. A non-refundable fee of five dollars (\$5.00) is required for each duplicate enforcement authorization card request.

**West Virginia State Police  
Title 81  
Series 15**

**Summary of Comments Received**

No comments were received within the stated time frame, therefore, no changes were made to the rule.