

SENATE BILL NO. 400

INTRODUCED BY E. ARNTZEN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS REGARDING BAIL BONDS;
5 ESTABLISHING THE BAIL FUGITIVE RECOVERY AGENTS ACT; ESTABLISHING LICENSING AND OTHER
6 REQUIREMENTS FOR BAIL BOND AGENTS AND BAIL FUGITIVE RECOVERY AGENTS; REQUIRING A BAIL
7 BOND AGENT OR BAIL FUGITIVE AGENT TO NOTIFY LOCAL LAW ENFORCEMENT PRIOR TO
8 APPREHENDING A DEFENDANT; PROVIDING THAT A PERSON WHO IS LICENSED AS A PRIVATE
9 INVESTIGATOR IS SUBJECT TO THE ACT; ~~AND PROVIDING A PENALTY~~ EXPANDING THE EXISTING
10 RULEMAKING AUTHORITY OF THE DEPARTMENT OF LABOR AND INDUSTRY; AND AMENDING SECTIONS
11 37-60-101, 37-60-103, 37-60-202, 37-60-301, 37-60-303, 37-60-304, 37-60-405, AND 46-9-510, MCA."

12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14
15 NEW SECTION. Section 1. Short title. [Sections 1 through 8 5] may be cited as the "Bail Fugitive
16 Recovery Agents Act".

17
18 NEW SECTION. Section 2. Definitions. As used in [sections 1 through 8 5], unless the context clearly
19 requires otherwise, the following definitions apply:

20 (1) "Bail bond agent" means A SURETY OR a person licensed by the commissioner of insurance pursuant
21 ~~to 33-17-211~~ AS A SURETY INSURANCE PRODUCER UNDER TITLE 33, CHAPTER 17.

- 22 (2) "Bail fugitive" means a defendant in a pending criminal case:
- 23 (a) who has been released from custody under a financially secured appearance, by payment of cash,
 - 24 or by posting another form of bond and who has had that bond declared forfeited;
 - 25 (b) who has violated a bond condition under which apprehension and reincarceration are permitted; or
 - 26 (c) for whom the surety feels insecure in accepting liability as provided in 46-9-401(3).

27 (3) (A) "Bail fugitive recovery agent" means: A PERSON WHO IS LICENSED UNDER TITLE 37, CHAPTER 60, AND
28 WHO IS EMPLOYED BY OR

29 ~~— (a) a person who is provided written authorization by the bail bond agent or depositor of bail~~ SURETY and
30 is contracted with to ~~investigate, keep under surveillance, locate, or~~ APPREHEND AND arrest a bail fugitive for

1 surrender to the appropriate court, detention facility, or peace officer, ~~and~~

2 ~~—— (b) any person who is employed to assist a bail bond agent or depositor of bail to investigate, keep under~~
3 ~~surveillance, locate, or arrest a bail fugitive for surrender to the appropriate court, detention facility, or peace~~
4 ~~officer.~~

5 (B) A BAIL FUGITIVE RECOVERY AGENT WHO IS IN THE COURSE OF APPREHENDING AND ARRESTING A BAIL
6 FUGITIVE MAY CONDUCT AN INVESTIGATION AS PROVIDED IN 37-60-101(21)(B) WITHOUT BEING LICENSED AS A PRIVATE
7 INVESTIGATOR.

8 (4) ~~"Depositor of bail"~~ "SURETY" means a person or entity who has deposited money or bonds to secure
9 the release of a person charged with a crime or offense.

10
11 NEW SECTION. Section 3. Who may apprehend, detain, or arrest bail fugitive -- TITLE RESERVED.

12 (1) A person other than a sworn law enforcement officer may not apprehend, detain, or arrest a bail fugitive
13 unless the person is a ~~bail bond agent~~, bail fugitive recovery agent, ~~or a depositor of bail.~~ IF A BAIL BOND AGENT
14 OR A SURETY APPREHENDS, DETAINS, OR ARRESTS A BAIL FUGITIVE, THE BAIL BOND AGENT OR SURETY MUST BE LICENSED
15 AS A BAIL FUGITIVE RECOVERY AGENT.

16 (2) This section does not prohibit ~~the surrender of a defendant or an arrest pursuant to 46-6-502 OR A~~
17 SURRENDER UNDER 46-9-401(3) or 46-9-510 UNLESS THE PERSON ARRESTED IS A BAIL FUGITIVE.

18 (3) A PERSON MAY NOT USE THE TITLE OF BAIL FUGITIVE RECOVERY AGENT OR BOUNTY HUNTER UNLESS THE
19 PERSON IS LICENSED AS A BAIL FUGITIVE RECOVERY AGENT UNDER TITLE 37, CHAPTER 60.

20
21 ~~——~~ NEW SECTION. Section 4. Requirements for bail fugitive recovery agent. (1) A bail fugitive recovery
22 agent or a bail bond agent who contracts with another bail bond agent or surety as a bail fugitive recovery agent
23 and who engages in the arrest of a defendant shall comply with the following requirements:

24 ~~——~~ (a) the person must be at least 18 years of age;

25 ~~——~~ (b) the person shall complete a 40-hour course of basic training for bail bond agents and be certified by
26 the commissioner of insurance; and

27 ~~——~~ (c) the person may not have been convicted of a felony or of any offense in which a dangerous weapon
28 was used.

29 ~~——~~ (2) Completion of the course required in subsection (1)(b) is for educational purposes only and does not
30 confer upon the person the power of arrest of a police officer or public officer or agent of any federal, state, or

1 local government agency unless the person is employed by a government agency.

2 ~~———(3) Upon completion of a course required by this section, a bail fugitive recovery agent or bail bond agent~~
 3 ~~who contracts with another bail bond agent or surety as a bail fugitive recovery agent shall carry a certificate of~~
 4 ~~completion at all times in the course of performing duties under [sections 1 through 8].~~

5
 6 **NEW SECTION. Section 4. Documentation of authority -- OUT-OF-STATE REQUIREMENTS.** (1) Before
 7 apprehending a bail fugitive, a person authorized by [section 3] to apprehend a bail fugitive must have in the
 8 person's possession proper documentation of authority to apprehend issued by the bail bond agent or depositor
 9 of bail SURETY. The documentation must include the following information:

10 (1)(A) the name of the person authorized by [section 3] to apprehend a bail fugitive;

11 (2)(B) the address of the principal office of the person authorized in [section 3] to apprehend a bail
 12 fugitive; and

13 (3)(C) the name and principal business address of the bail bond agency, surety company, or other party
 14 contracting with the person authorized by [section 3] to apprehend a bail fugitive.

15 (2) AN OUT-OF-STATE BAIL FUGITIVE RECOVERY AGENT SHALL, IN ADDITION TO HAVING THE DOCUMENTATION
 16 REQUIRED UNDER SUBSECTION (1), NOTIFY THE BOARD OF LICENSURE WITH ANOTHER STATE DURING THE TIME THE
 17 OUT-OF-STATE BAIL FUGITIVE RECOVERY AGENT IS OPERATING IN THIS STATE OR PROVIDE DOCUMENTATION TO THE BOARD
 18 OF HAVING A CONTRACT WITH A BAIL BOND AGENT IN MONTANA.

19
 20 **NEW SECTION. Section 5. Notification of local law enforcement.** (1) Except under exigent
 21 circumstances, a person authorized by [section 3] to apprehend a bail fugitive shall, prior to but no more than 6
 22 hours before attempting to apprehend the bail fugitive, notify the local police department or sheriff's department
 23 of the intent to apprehend a bail fugitive in that jurisdiction by stating:

24 (a) the name of the person authorized by [section 3] to apprehend a bail fugitive in the jurisdiction; and

25 (b) the name and approximate location of the bail fugitive.

26 (2) If an exigent circumstance arises and prior notification is not given as provided in subsection (1), a
 27 person authorized by [section 3] to apprehend a bail fugitive shall notify the local police department or sheriff's
 28 department immediately after the apprehension and, upon request of the local jurisdiction, shall submit a detailed
 29 explanation of the exigent circumstances within 3 working days after the apprehension is made.

30 (3) For the purposes of this section, notice may be provided to a local law enforcement agency by

1 telephone prior to the arrest or, if exigent circumstances exist, after the arrest has taken place. In the case of
 2 exigent circumstances, the bail bond agent, bail fugitive recovery agent, or ~~depositor of bail~~ SURETY shall obtain
 3 and retain the name or operator number of the employee receiving the notice information.

4 (4) This section does not preclude a person authorized to apprehend a bail fugitive from making or
 5 attempting to make a lawful arrest of a bail fugitive on bond pursuant to 46-9-510. The fact that a bench warrant
 6 is not located in or entered into a warrant depository or system may not affect the lawful arrest of a bail fugitive.

7
 8 ~~NEW SECTION. Section 7. No exemption for person otherwise licensed as private investigator.~~
 9 ~~Nothing in [sections 1 through 8] exempts a person who is licensed as a private investigator from the~~
 10 ~~requirements of [sections 1 through 8].~~

11
 12 ~~NEW SECTION. Section 8. Penalty. A person who violates [sections 1 through 8] or hires a person~~
 13 ~~to apprehend a bail fugitive knowing that the person is not authorized under [section 3] to apprehend a bail~~
 14 ~~fugitive is guilty of a misdemeanor and punishable by a fine of \$500.~~

15
 16 **SECTION 6. SECTION 37-60-101, MCA, IS AMENDED TO READ:**
 17 **"37-60-101. Definitions.** As used in this chapter, the following definitions apply:

18 (1) "Alarm response runner" means an individual employed by an electronic security company, a contract
 19 security company, or a proprietary security organization to respond to security alarm system signals.

20 (2) "Armed" means an individual who at any time wears, carries, or possesses a firearm in the
 21 performance of professional duties.

22 (3) "Armed carrier service" means any person or security company who transports or offers to transport
 23 under armed private security guard from one place to another any currency, documents, papers, maps, stocks,
 24 bonds, checks, or other items of value that require expeditious delivery.

25 (4) "Armed private investigator" means a private investigator who at any time wears, carries, or
 26 possesses a firearm in the performance of the individual's duties.

27 (5) "Armed private security guard" means an individual employed by a contract security company or a
 28 proprietary security organization whose duty or any portion of whose duty is that of a security guard, armored car
 29 service guard, or carrier service guard and who at any time wears or carries a firearm in the performance of the
 30 individual's duties.

1 (6) "Armored car service" means any person or security company who transports or offers to transport
2 under armed private security guard from one place to another any currency, jewels, stocks, bonds, paintings, or
3 other valuables of any kind in a specially equipped motor vehicle that offers a high degree of security.

4 (7) "Bail bond agent" has the meaning provided in [section 2].

5 (8) "Bail fugitive" has the meaning provided in [section 2].

6 (9) "Bail fugitive recovery agent", also known as a bounty hunter, has the meaning provided in [section
7 2]. A bail fugitive recovery agent is not required to be licensed as a private investigator but may conduct activities
8 under subsection (21)(b) of this section for the purposes of apprehending or arresting a bail fugitive for surrender
9 to the appropriate court, detention facility, or peace officer.

10 ~~(7)~~(10) "Board" means the board of private security provided for in 2-15-1781.

11 ~~(8)~~(11) "Branch office" means any office of a licensee within the state, other than its principal place of
12 business within the state.

13 ~~(9)~~(12) "Contract security company" means any person who undertakes to provide a private security
14 guard, alarm response runner, armored car service, street patrol service, or armed carrier service on a contractual
15 basis to another person who exercises no direction and control over the performance of the details of the services
16 rendered.

17 ~~(10)~~(13) "Department" means the department of labor and industry provided for in 2-15-1701.

18 ~~(11)~~(14) (a) "Electronic security company" means a person who sells, installs, services, or maintains a
19 security alarm system and who undertakes to hire, employ, and provide alarm response runners and security
20 alarm installers on a contractual basis to another person who does not exercise direction and control over the
21 performance of the services rendered.

22 (b) The term does not include a person whose primary business is that of a locksmith and who may also
23 install closed-circuit television cameras and battery-operated door devices.

24 ~~(12)~~(15) "Firearms course" means the course approved by the board and conducted by a firearms
25 instructor.

26 ~~(13)~~(16) "Firearms instructor" means an individual who has been approved by the board to instruct
27 firearms courses in the use of weapons.

28 ~~(14)~~(17) "Insurance adjuster" means a person employed by an insurance company, other than a private
29 investigator, who for any consideration conducts investigations in the course of adjusting or otherwise
30 participating in the disposal of any claims in connection with a policy of insurance but who does not perform

1 surveillance activities or investigate crimes against the United States or any state or territory of the United States.

2 ~~(15)~~(18) "Licensee" means a person licensed under this chapter.

3 ~~(16)~~(19) "Paralegal" or "legal assistant" means a person qualified through education, training, or work
4 experience to perform substantive legal work that requires knowledge of legal concepts and that is customarily
5 but not exclusively performed by a lawyer and who may be retained or employed by one or more lawyers, law
6 offices, governmental agencies, or other entities or who may be authorized by administrative, statutory, or court
7 authority to perform this work.

8 ~~(17)~~(20) "Person" means an individual, firm, company, association, organization, partnership, or
9 corporation.

10 ~~(18)~~(21) "Private investigator" means a person other than an insurance adjuster who for any
11 consideration makes or agrees to make any investigation with reference to:

12 (a) crimes against the United States or any state or territory of the United States;

13 (b) the identity, habits, conduct, business, occupation, honesty, integrity, trustworthiness, efficiency,
14 loyalty, activity, movement, location, affiliations, associations, transactions, reputation, or character of any person;

15 (c) the location, disposition, or recovery of lost or stolen property;

16 (d) the cause or responsibility for fires, libels, losses, accidents, or injury to persons or property; or

17 (e) gathering evidence to be used before any court, board, officer, or investigating committee.

18 ~~(19)~~(22) "Private security guard" means an individual employed or assigned duties to protect a person
19 or property or both a person and property from criminal acts and whose duties or any portion of whose duties
20 include but are not limited to the prevention of unlawful entry, theft, criminal mischief, arson, or trespass on private
21 property or the direction of the movements of the public in public areas.

22 ~~(20)~~(23) "Process server" means a person described in 25-1-1101(1).

23 ~~(24)~~(24) "Proprietary security organization" means any person who employs a private security guard,
24 alarm response runner, armored car service, street patrol service, or armed carrier service on a routine basis
25 solely for the purposes of that person and exerts direction and control over the performance of the details of the
26 service rendered.

27 ~~(22)~~(25) "Resident manager" means the person appointed to exercise direct supervision, control, charge,
28 management, or operation of each office located in this state where the business of the licensee is conducted.

29 ~~(23)~~(26) (a) "Security alarm installer" means an individual who sells, installs, services, or maintains
30 security alarm systems to detect and signal unauthorized intrusion, movement, break-in, or criminal acts and is

1 employed by an electronic security company.

2 (b) The term does not include a person whose primary business is that of a locksmith and who may also
3 install closed-circuit television cameras and battery-operated door devices.

4 ~~(24)~~(27) (a) "Security alarm system" means an assembly of equipment and devices or a single device
5 or a portion of a system intended to detect or signal or to both detect and signal unauthorized intrusion,
6 movement, or criminal acts at a location.

7 (b) The term does not include systems that monitor temperature, humidity, or any other atmospheric
8 condition not directly related to the detection of an unauthorized intrusion or criminal act at a location.

9 ~~(25)~~(28) "Security company" means an electronic security company, a proprietary security organization,
10 or a contract security company.

11 ~~(26)~~(29) "Street patrol service" means a person providing patrols by means of foot, vehicle, or other
12 method of transportation using public streets, thoroughfares, or property in the performance of the person's duties
13 and responsibilities.

14 ~~(27)~~(30) "Unarmed private investigator" means a private investigator who does not wear, carry, or
15 possess a firearm in the performance of the individual's duties.

16 ~~(28)~~(31) "Unarmed private security guard" means an individual who is employed by a contract security
17 company or a proprietary security organization, whose duty or any portion of whose duty is that of a private
18 security guard, armored car service guard, or alarm response runner, and who does not wear, carry, or possess
19 a firearm in the performance of those duties."

20

21 **SECTION 7. SECTION 37-60-103, MCA, IS AMENDED TO READ:**

22 **"37-60-103. Purpose.** The purpose of this chapter is to increase the levels of integrity, competency, and
23 performance of security companies and their employees who are required to be licensed, firearms instructors,
24 private investigators, bail fugitive recovery agents, and process servers to safeguard the public health, safety,
25 and welfare against illegal, improper, or incompetent actions committed by security companies and their licensed
26 employees, firearms instructors, private investigators, or process servers."

27

28 **SECTION 8. SECTION 37-60-202, MCA, IS AMENDED TO READ:**

29 **"37-60-202. Rulemaking power.** The board shall adopt and enforce rules:

30 (1) fixing the qualifications of resident managers, licensees, holders of identification cards, and process

1 servers, in addition to those prescribed in Title 25, chapter 1, part 11, and in this chapter, necessary to promote
2 and protect the public welfare;

3 (2) establishing, in accordance with 37-1-134, application fees for original licenses and identification
4 cards, and providing for refunding of any fees;

5 (3) (a) requiring approval of the board prior to the establishment of branch offices of any licensee; and

6 (b) establishing qualification requirements and license fees for branch offices identified in subsection
7 (3)(a);

8 (4) for the certification of private investigator, private security guard, security alarm installer, ~~and~~ alarm
9 response runner, and bail fugitive recovery agent training programs, including the certification of firearms training
10 programs;

11 (5) for the licensure of firearms instructors;

12 (6) for the approval of weapons;

13 (7) requiring licensees, except process servers, to file an insurance policy with the board; and

14 (8) providing for the issuance of probationary identification cards for private investigators and security
15 alarm installers who do not meet the requirements for age, employment experience, or written examination."

16

17 **SECTION 9. SECTION 37-60-301, MCA, IS AMENDED TO READ:**

18 **"37-60-301. License required -- process server registration required.** (1) (a) Except as provided in
19 37-60-105, it is unlawful for any person to act as or perform the duties, as defined in 37-60-101, of a contract
20 security company, a proprietary security organization, an electronic security company, a branch office, a private
21 investigator, a security alarm installer, an alarm response runner, a resident manager, a certified firearms
22 instructor, ~~or~~ a private security guard, or a bail fugitive recovery agent without having first obtained a license from
23 the board.

24 (b) Except as provided in 25-1-1101(2), it is unlawful for any person to act as or perform the duties of
25 a process server for more than 10 services of process in a calendar year without being issued a certificate of
26 registration by the board.

27 (2) It is unlawful for any unlicensed person to act as, pretend to be, or represent to the public that the
28 person is licensed as a contract security company, a proprietary security organization, an electronic security
29 company, a branch office, a private investigator, a security alarm installer, an alarm response runner, a resident
30 manager, a certified firearms instructor, ~~or~~ a private security guard, or a bail fugitive recovery agent.

1 (3) A person appointed by the court as a confidential intermediary under 42-6-104 is not required to be
 2 licensed under this chapter. A person who is licensed under this chapter is not authorized to act as a confidential
 3 intermediary, as defined in 42-1-103, without meeting the requirements of 42-6-104.

4 (4) A person who knowingly engages an unlicensed contract security company, proprietary security
 5 organization, electronic security company, branch office, private investigator, security alarm installer, alarm
 6 response runner, resident manager, certified firearms instructor, ~~or private security guard~~, or bail fugitive recovery
 7 agent is guilty of a misdemeanor punishable under 37-60-411.

8 (5) A bail bond agent, a surety, or a person licensed as a private investigator may not apprehend or
 9 make an arrest of a bail fugitive unless licensed as a bail fugitive recovery agent under this chapter."

10

11 **SECTION 10. SECTION 37-60-303, MCA, IS AMENDED TO READ:**

12 **"37-60-303. License or registration qualifications.** (1) Except as provided in subsection (7)(a), an
 13 applicant for licensure under this chapter or an applicant for registration as a process server under this chapter
 14 is subject to the provisions of this section and shall submit evidence that the applicant:

- 15 (a) is at least 18 years of age;
- 16 (b) is a citizen of the United States or a legal, permanent resident of the United States;
- 17 (c) has not been convicted in any jurisdiction of any felony or any crime involving moral turpitude or illegal
 18 use or possession of a dangerous weapon, for which a full pardon or similar relief has not been granted;
- 19 (d) has not been judicially declared incompetent by reason of any mental defect or disease or, if so
 20 declared, has been fully restored;
- 21 (e) is not suffering from habitual drunkenness or from narcotics addiction or dependence;
- 22 (f) is of good moral character; and
- 23 (g) has complied with other experience qualifications as may be set by the rules of the board.

24 (2) In addition to meeting the qualifications in subsection (1), an applicant for licensure as a private
 25 security guard, security alarm installer, ~~or alarm response runner~~, or bail fugitive recovery agent shall:

- 26 (a) complete the requirements of a training program certified by the board and provide, on a form
 27 prescribed by the department, written notice of satisfactory completion of the training; and
- 28 (b) fulfill other requirements as the board may by rule prescribe.

29 (3) In addition to meeting the qualifications in subsection (1), each applicant for a license to act as a
 30 private investigator shall submit evidence under oath that the applicant:

- 1 (a) is at least 21 years of age;
- 2 (b) has at least a high school education or the equivalent;
- 3 (c) has not been dishonorably discharged from any branch of the United States military service; and
- 4 (d) has fulfilled any other requirements as the board may by rule prescribe.
- 5 (4) The board may require an applicant to demonstrate by written examination additional qualifications
- 6 as the board may by rule require.

7 (5) An applicant for a license as a private security patrol officer, ~~or private investigator,~~ or bail fugitive

8 recovery agent who will wear, carry, or possess a firearm in performance of the applicant's duties shall submit

9 written notice of satisfactory completion of a firearms training program certified by or satisfactory to the board,

10 as the board may by rule prescribe.

11 (6) Except for an applicant subject to the provisions of subsection (7)(a), the board shall require a

12 background investigation of each applicant for licensure or registration under this chapter that includes a

13 fingerprint check by the Montana department of justice and the federal bureau of investigation.

14 (7) (a) A firm, company, association, partnership, limited liability company, corporation, or other entity

15 that intends to engage in business governed by the provisions of this chapter must be incorporated under the

16 laws of this state or qualified to do business within this state and must be licensed by the board or, if doing

17 business as a process server, must be registered by the board.

18 (b) Individual employees, officers, directors, agents, or other representatives of an entity described in

19 subsection (7)(a) who engage in duties that are subject to the provisions of this part must be licensed pursuant

20 to the requirements of this part or, if doing business as a process server, must be registered by the board."

21

22 **SECTION 11. SECTION 37-60-304, MCA, IS AMENDED TO READ:**

23 **"37-60-304. Licenses and registration -- application form and content.** (1) An application for a

24 license or for a certificate of registration as a process server must be submitted to the department and

25 accompanied by the application fee set by the board.

26 (2) An application must be made under oath and must include:

- 27 (a) the full name and address of the applicant;
- 28 (b) the name under which the applicant intends to do business;
- 29 (c) a statement as to the general nature of the business in which the applicant intends to engage;
- 30 (d) a statement as to whether the applicant desires to be licensed as a contract security company, a

1 proprietary security organization, an electronic security company, a branch office, a certified firearms instructor,
 2 a private investigator, a security alarm installer, an alarm response runner, a resident manager, ~~or~~ a private
 3 security guard, or a bail fugitive recovery agent or registered as a process server;

4 (e) except for an applicant pursuant to 37-60-303(7)(a), one recent photograph of the applicant, of a type
 5 prescribed by the department, and one classifiable set of the applicant's fingerprints;

6 (f) a statement of the applicant's age and experience qualifications, except for an applicant pursuant to
 7 37-60-303(7)(a); and

8 (g) other information, evidence, statements, or documents as may be prescribed by the rules of the
 9 board.

10 (3) The board shall verify the statements in the application.

11 (4) The submittal of fingerprints is a prerequisite to the issuance of a license or certificate of registration
 12 to an applicant, other than an applicant under 37-60-303(7)(a), by means of fingerprint checks by the Montana
 13 department of justice and the federal bureau of investigation."
 14

15 **SECTION 12. SECTION 37-60-405, MCA, IS AMENDED TO READ:**

16 **"37-60-405. Approval of weapons.** The weapons to be carried by armed licensees or holders of
 17 identification cards as private security personnel, ~~or private investigators,~~ or bail fugitive recovery agents licensed
 18 under this chapter must be approved by the board."
 19

20 **SECTION 13. SECTION 46-9-510, MCA, IS AMENDED TO READ:**

21 **"46-9-510. Surrender of defendant.** (1) At any time before the forfeiture of bail or within 90 days after
 22 forfeiture:

23 (a) the defendant may surrender to the court or any peace officer of this state; or

24 (b) the surety ~~company~~ licensed as a bail fugitive recovery agent under Title 37, chapter 60, or acting
 25 through a licensed bail fugitive recovery agent may arrest the defendant and surrender the defendant to the court,
 26 any peace officer, or any detention center facility of this state.

27 (2) The peace officer or detention center facility shall detain the defendant in custody as upon
 28 commitment and shall file a certificate, acknowledging the surrender, in the court having jurisdiction of the
 29 defendant. The court shall then order the bail exonerated."
 30

