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RULE PROPOSALS

**LAW AND PUBLIC SAFETY
DIVISION OF STATE POLICE**

38 N.J.R. 4801(a)

Proposed New Rules: N.J.A.C. 13:55B

Bounty Hunters

Authorized By: Colonel Joseph R. Fuentes, Superintendent of State Police.

Authority: N.J.S.A. 45:19-40.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2006-372.

Submit written comments by January 19, 2007 to:

Colonel Joseph R. Fuentes
Superintendent of State Police
Division Headquarters
PO Box 7068
West Trenton, New Jersey 08638
Attn: Private Detective Unit

The agency proposal follows:

Summary

The Bounty Hunter Licensing Act (Act), P.L. 2005, c. 376, requires bounty hunters and employees of bounty hunters to be regulated by the Division of State Police. Prior to the enactment of P.L. 2005, c. 376, bounty hunters and their employees were unregulated. The Act grants the Superintendent of State Police regulatory power over both bounty hunters and employees of bounty hunters in order to ensure greater accountability and integrity within the bounty hunter industry, to ensure greater protection of individual rights and to further public welfare and safety.

Under the provisions of the law, a person seeking to engage in the business of, offer to perform, or perform the functions, activities or services of a bounty hunter must complete an application for a bounty hunter license on a form

provided by and in a manner prescribed by the Superintendent, must pass a criminal history record background check, and must pay a fee established by rule.

Under the provisions of the law, licensed bounty hunters who wish to employ a person to assist the licensee in the licensee's work and in the conduct of the licensee's business must register the prospective employee with the Division of State Police and pay a fee established by rule. Prospective employees of licensed bounty hunters would also be required to pass a criminal history record background check.

P.L. 2005, c. 376, also requires that persons seeking to be licensed as bounty hunters must have:

1. At least five years of law enforcement experience as a law enforcement officer with an organized law enforcement agency;
2. Five years experience as a licensed private detective;
3. At least five years investigative employment by a licensed private detective; or
4. Engaged in the business of or performed the functions, activities or services of a bounty hunter, or have held a business out to be that of a bounty hunter for at least five years prior to February 1, 2007, provided that they submit an application to the Superintendent before April 1, 2007, and complete a bounty hunter training course in accordance with these rules.

P.L. 2005, c. 376, empowers the Superintendent, among other things, to:

1. Establish minimum requirements for persons seeking to be licensed as bounty hunters;
2. Establish procedures for the licensing of bounty hunters;
3. Establish procedures for the registration of employees of licensed bounty hunters; and
4. Investigate and conduct criminal history background checks on persons seeking to be licensed as bounty hunters and persons seeking employment by licensed bounty hunters.

Proposed new N.J.A.C. 13:55B-1 sets forth the general provisions of the chapter. Specifically, proposed new rule N.J.A.C. 13:55B-1.1 states the purpose of the rules. Proposed new rule N.J.A.C. 13:55B-1.2 states the scope and application of the chapter and proposed new rule N.J.A.C. 13:55B-1.3 contains definitions for words and terms used throughout the chapter.

Proposed new N.J.A.C. 13:55B-2 establishes minimum requirements for persons seeking to be licensed as bounty hunters and sets out procedures for obtaining a bounty hunter license. Proposed new rule N.J.A.C. 13:55B-2.1 contains the minimum qualifications for persons seeking to be licensed as bounty hunters. Proposed new rule N.J.A.C. 13:55B-2.2 describes the legislative mandate, whereby no person shall perform the functions, activities or services of a bounty hunter without a license after April 1, 2007. Proposed new rule N.J.A.C. 13:55B-2.3 describes the application process for persons seeking to be licensed as bounty hunters. Proposed new rule N.J.A.C. 13:55B-2.4 describes the issuance of a bounty hunter license and bounty hunter identification card to an applicant subsequent to a background investigation and criminal history background check. The rule also describes the issuance of a temporary bounty hunter license and temporary bounty hunter identification card to applicants with bounty hunter experience who lack requisite experience as a law enforcement officer, or as a licensed private detective, or investigative employment by a licensed private detective. Proposed new rule N.J.A.C. 13:55B-2.5 describes the bounty hunter training course requirement that applicants with bounty hunter experience who lack the requisite experience as a law enforcement officer, or as a licensed private detective, or employment by a licensed private detective must complete prior to receiving a bounty hunter license and bounty hunter identification card, which is valid for two years. Proposed new rule N.J.A.C.

13:55B-2.6 describes the procedure for renewal of a bounty hunter license. Proposed new rule N.J.A.C. 13:55B-2.7 sets forth reasons for which the Superintendent may deny an application for a bounty hunter license, revoke, or suspend a current bounty hunter license, or refuse to renew an expiring bounty hunter license.

Proposed new N.J.A.C. 13:55B-3 describes the educational and training requirements for applicants with bounty hunter experience who lack requisite experience as a law enforcement officer, or as a licensed private detective, or employment by a licensed private detective. Proposed new rule N.J.A.C. 13:55B-3.1 describes the minimum hours of instruction in specific areas which such applicants are required to receive prior to receiving a bounty hunter license and bounty hunter identification card.

Proposed new N.J.A.C. 13:55B-4 describes the rights and obligations of licensed bounty hunters as employers, including the required registration of employees of licensed bounty hunters. Proposed new rule N.J.A.C. 13:55B-4.1 distinguishes between bounty hunters and employees of bounty hunters, and describes an employing licensed bounty hunter's obligation to obtain and maintain "employee statements" from all prospective and current employees. Proposed new rule N.J.A.C. 13:55B-4.2 describes the process whereby a licensed bounty hunter must register employees with the Division of State Police. Proposed new rule N.J.A.C. 13:55B-4.3 describes the process whereby a licensed bounty hunter must renew his or her registration of current employees with the Division of State Police every two years. Proposed new rule N.J.A.C. 13:55B-4.4 describes the process whereby the Superintendent determines if a prospective or current employee is qualified for employment by a licensed bounty hunter and sets forth the reasons for which the Superintendent may disqualify a prospective or current employee from employment. Proposed new rule N.J.A.C. 13:55B-4.5 describes the requirement that a licensed bounty hunter must notify the Superintendent whenever an employee is terminated from employment.

Proposed new N.J.A.C. 13:55B-5 contains rules pertaining to bounty hunter badges, uniforms, identification cards, and other insignia. Proposed new rule N.J.A.C. 13:55B-5.1 proscribes the use of badges, uniforms, and other insignia which would likely be confused with that of a law enforcement officer. Proposed new rule N.J.A.C. 13:55B-5.2 prohibits the misuse of bounty hunter identification cards and provides for duplicate identification cards if the original is lost or destroyed. Proposed new rule N.J.A.C. 13:55B-5.3 mandates that bounty hunter identification cards be carried and displayed when requested.

Proposed new N.J.A.C. 13:55B-6 sets forth additional administrative requirements and procedures for compliance with the Bounty Hunter Licensing Act and this chapter. Proposed new rule N.J.A.C. 13:55B-6.1 describes the submission of applications, forms, other documents and fees required by these rules. Proposed new rule N.J.A.C. 13:55B-6.2 describes the Superintendent's power to inspect the business premises of licensed bounty hunters and impound records connected to investigations, as well as the requirement that licensed bounty hunters provide statements or reports concerning any matter being investigated. Proposed new rule N.J.A.C. 13:55B-6.3 states that the Superintendent will provide written notice of denial, revocation, suspension of or refusal to renew licenses and registration cards, with reasons. The Superintendent will afford applicants, licensees and registrants the opportunity for a hearing on request within 15 days. All hearings will be held in accordance with the Administrative Procedure Act and the rules of the Office of Administrative Law.

The Bounty Hunter Licensing Act shall become operative on February 1, 2007, 13 months after the effective date of the Bounty Hunter Licensing Act. No unlicensed bounty hunter shall be allowed to operate within the State after April 1, 2007. No unregistered employee shall be employed by a licensed bounty hunter, as defined by these rules, after April 1, 2007.

Because the Superintendent has provided a 60-day comment period, this proposal is exempt from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The Department anticipates that the proposed new rules will have a positive impact on the welfare and safety of the public, as well as serve to protect the civil rights of citizens. P.L. 2005 c. 376 mandates that all bounty hunters receive education and training prior to being certified in subject areas such as constitutional law; arrest, search and seizure; the unlawful use of force; and ethics/professional conduct. P.L. 2005 c. 376 also mandates background investigations and criminal history background checks on all applicants for a bounty hunter's license and for employment by licensed bounty hunters, thus ensuring that bounty hunters and their employees are of the highest moral character.

The proposed new rules will have a social impact on bounty hunters by defining those activities that constitute bounty hunting and subjecting bounty hunters to State regulation. Prior to the adoption of P.L. 2005, c. 376, bounty hunting was not regulated by the State. 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 will 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. A bounty hunter license does not confer upon the license 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.

Economic Impact

The proposed new rules will have an economic impact on bounty hunters and their employees, who will have to pay application and registration fees, and pay for criminal history record checks. The proposed new rules implement the statutory requirement that current bounty hunters who do not meet the prior law enforcement or private investigator experience requirements must receive training. The cost of this training shall be borne by the current bounty hunters lacking the requisite experience. The Department anticipates that the proposed new rules may have a minimal economic impact on the general public if these costs are passed on to sureties who employ bounty hunters, who in turn will then pass costs on to consumers. The Division also anticipates that the proposed fees contained within this chapter will provide sufficient resources to the Division of State Police to implement and administer the Bounty Hunter Licensing Act in its entirety.

The Department recognizes and anticipates that the proposed fees contained within this chapter may have an economic impact on bounty hunters and their employees, and ultimately on businesses or persons requiring the services that bounty hunters and their employees provide. However, the Department believes that any negative economic impact on the bounty hunter industry resulting from implementation of the proposed rules is more than offset by greater accountability and integrity within the bounty hunter industry, greater protection of individual rights and an overall positive impact on public welfare and safety.

Federal Standards Statement

The proposed new rules are not subject to any Federal standards or requirements. Therefore, a Federal standards analysis is not required.

Jobs Impact

The proposed new rules will not result in the generation or loss of jobs in New Jersey. The demand for bounty hunters and their employees is set by surety companies who utilize their services. These companies are unaffected by these rules, save for minimal economic costs, which might be passed onto them by bounty hunters. While the proposed new rules set higher standards for bounty hunters and require formal licensing and training, it is anticipated that there are more than sufficient numbers of qualified applicants to fill the demand for both bounty hunters and employees of bounty hunters. Moreover, N.J.A.C. 13:55B-2.1(d) provides a 60-day window for current bounty hunters who lack the

law enforcement or private investigator experience requirements under N.J.A.C. 13:55B-2.1(c) to apply for and receive bounty hunter licenses. The Statewide demand for, and supply of, bounty hunters should not be affected by implementation of these rules.

Agriculture Industry Impact

The proposed new rules would not have an impact on the agriculture industry of the State.

Regulatory Flexibility Analysis

The proposed new rules apply to approximately 300 individual bounty hunters throughout the State, most of whom operate without employees and act as individual subcontractors or agents of surety companies, who may be considered small businesses as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed new rules impose only those minimal reporting, recordkeeping or other compliance requirements on these sole proprietorships that are deemed necessary to ensure greater accountability and integrity within the bounty hunter industry, to ensure greater protection of individual rights and to further public welfare and safety, as discussed in the Summary above. The compliance requirements include submission of applications and registration forms for licensing and registration of employees on a biennial basis, maintenance of employee statements, notification of termination whenever an employee ceases to be employed by a licensed bounty hunter and criminal history background checks as mandated by the Bounty Hunter Licensing Act. Compliance costs are discussed in the Economic Impact above. No professional services are required for compliance.

Smart Growth Impact

The Department does not anticipate that the proposed new rules would have any impact on smart growth in New Jersey or on the implementation of the New Jersey Development and Redevelopment Plan.

Full text of the proposed new rules follows:

CHAPTER 55B

REGULATION OF BOUNTY HUNTERS

SUBCHAPTER 1. GENERAL PROVISIONS

13:55B-1.1 Purpose

The rules of this chapter are promulgated by the Superintendent in order to implement the Bounty Hunter Licensing Act (Act), P.L. 2005, c. 376. The Act provides, among other things, that there be procedures for the licensing of bounty hunters, including owners and operators of companies engaged in performing the functions, activities or services of bounty hunters, and employees, agents, associates and subcontractors of those companies who perform any of the functions, activities or services of bounty hunters, as defined by the Act.

13:55B-1.2 Scope and application

(a) The rules of this chapter shall apply to all bounty hunters, as defined under N.J.A.C. 13:55B-1.3, and to all employees of bounty hunters whose functions are limited to clerical and administrative functions, or otherwise performed exclusively at the licensee's principal place of business or other places of business, that is, offices, sub-agencies, branches, home offices, utilized by the licensee.

(b) The rules of this chapter shall not be construed to confer upon bounty hunters any law enforcement powers,

including the right to use force when apprehending suspects. Any bounty hunter who enters any premises or dwelling without license or privilege or who employs the use of unlawful force in engaging in or assisting in the apprehension, arrest, detention, confinement, surrender, securing or surveillance of any person who has violated the provisions of N.J.S.A. 2C:29-7 or has failed to appear in any court of law in this State or any other state, when so required by law, or has failed to answer any charge, subpoena or court ordered inquiry, when so required by law, shall, in addition to any other criminal penalties provided under law, be guilty of a crime of the fourth degree.

13:55B-1.3 Definitions

The following words and terms, as used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Bounty hunter" means and includes any bail runner, bail recovery agent, bail enforcement agent, fugitive recovery agent, or any other person who, for fee, hire or reward: makes any investigation or investigations as to the location or whereabouts of any person who has violated the provisions of N.J.S.A. 2C:29-7 or has failed to appear in any court of law in this State or any other state, when so required by law, or has failed to answer any charge, subpoena or court ordered inquiry, when so required by law; or engages in or assists in the apprehension, arrest, detention, confinement, surrender or securing of any such person; or keeps any such person under surveillance.

The term shall mean and include any person who owns or operates any agency, firm, association, corporation or other entity which is organized primarily for the purpose of engaging in any of the above enumerated activities, and to any employee, agent, associate or subcontractor of any such agency, firm, association, corporation or other entity who performs any of the functions, activities or services of a bounty hunter as described in this subsection.

The term shall not mean and include, and nothing in this chapter shall apply to, law enforcement officers of this State, or of any political subdivision of this State, while in the actual performance of their duties, nor to officers or employees of any law enforcement agency of the United States or of any state, territory or possession of the United States, while in the actual performance of their duties.

The term shall not mean and include, an employee of a licensed bounty hunter, whose functions are limited to clerical and administrative functions, or otherwise performed exclusively at the licensee's principal place of business or other places of business, that is, offices, sub-agencies, branches, home offices, utilized by the licensee.

"Law enforcement officer" means any person who is employed as a permanent full-time member of any Federal, state, county, or municipal law enforcement agency, department, or division of those governments who is statutorily empowered to act for the detection, investigation, arrest, conviction, detention, or rehabilitation of persons violating criminal laws and statutorily required to successfully complete a training course approved by, or certified as being substantially equivalent to such an approved course, by the Police Training Commission pursuant to P.L. 1961, c. 56 (N.J.S.A. 52:17B-66 et seq.).

"Superintendent" means the Superintendent of the Division of State Police in the Department of Law and Public Safety.

SUBCHAPTER 2. LICENSING OF BOUNTY HUNTERS

13:55B-2.1 Minimum qualifications to be a licensed bounty hunter

(a) All persons seeking to be licensed as a bounty hunter shall:

1. Be at least 25 years of age;

2. Be a U.S. citizen, or a naturalized U.S. citizen; and

3. Have at least five years of experience in one of the following:

i. Experience as a law enforcement officer and no longer be employed or attached in any capacity whatsoever to a law enforcement agency;

ii. Experience working as a private detective, licensed under the Private Detective's Act of 1939, N.J.S.A. 45:19-8 et seq., or subsequent State law, or the laws of any other state; or

iii. Investigative employment working for a private detective, licensed under the Private Detective's Act of 1939 or subsequent State law, or the laws of any other state.

(b) Notwithstanding the requirements of (a)3 above, any person who can document or demonstrate to the satisfaction of the Superintendent that they, for at least five years prior to February 1, 2007, have engaged in the business of or performed the functions, activities or services of a bounty hunter, or has held a business out to be that of a bounty hunter, and who meets the requirements set forth in (a)1 and 2 above, shall be deemed to have met the minimum requirements necessary to become a licensed bounty hunter if that person submits an application to the Superintendent before April 1, 2007, and if that person completes the bounty hunter training course in accordance with N.J.A.C. 13:55B-2.5.

13:55B-2.2 Licensure required to be a licensed bounty hunter

No person shall engage in the business of, or perform, or offer to perform, the functions, activities or services of a bounty hunter, or advertise or hold a business out to be that of a bounty hunter after April 1, 2007, unless that person is licensed by the Superintendent as set forth in this chapter. Any person who engages in the business of, or performs, or offers to perform, the functions, activities or services of a bounty hunter, or advertise or hold a business out to be that of a bounty hunter, without first having received a license to do so, shall be guilty of a crime of the fourth degree.

13:55B-2.3 Application for a bounty hunter's license

(a) Any person wishing to engage in the business of, or perform, or offer to perform, the functions, activities or services of a bounty hunter, or advertise or hold a business out to be that of a bounty hunter, shall complete an application for a bounty hunter license on a form provided by and in a manner prescribed by the Superintendent. The application shall contain information required by the Bounty Hunter Licensing Act, any supporting documentation requested by the Superintendent, and the written approval of not less than five reputable citizens who have known the applicant for at least three years preceding the date of application and who shall certify that the applicant is a person of good moral character and behavior.

(b) Each application submitted by a person wishing to engage in the business of, or perform, or offer to perform, the functions, activities or services of a bounty hunter, or advertise or hold a business out to be that of a bounty hunter, shall contain the location of the applicant's proposed principal place of business and the location of any other places of business, that is, offices, sub-agencies, branches, home offices, to be utilized by the applicant.

(c) Each applicant seeking to engage in the business of, or perform, or offer to perform, the functions, activities or services of a bounty hunter, or advertise or hold a business out to be that of a bounty hunter, shall submit a non-refundable application fee of \$ 300.00 along with a completed application to the Superintendent.

(d) Each applicant seeking to engage in the business of, or perform, or offer to perform, the functions, activities or services of a bounty hunter, or advertise or hold a business out to be that of a bounty hunter, shall submit fingerprints

and a written consent for a criminal history background check in a manner prescribed by the Superintendent. The person seeking the license shall bear the cost for the criminal history background check, including all costs of administering and processing the check, as required by N.J.A.C. 13:59.

(e) Any person wishing to engage in the business of, or perform, or offer to perform, the functions, activities or services of a bounty hunter, or advertise or hold a business out to be that of a bounty hunter, who makes a false statement in, or knowingly omits any material information from, an application as required by this chapter, shall be subject to civil and/or criminal penalties as specified by the Bounty Hunters Licensing Act.

13:55B-2.4 Issuance of a bounty hunter license and a bounty hunter identification card

(a) The Superintendent, after examination of the application and such further inquiry and investigations as the Superintendent shall deem proper as to the good character, competency, and integrity of the applicant, shall advise the applicant whether their application for a bounty hunter license has been approved or denied.

(b) If an application for a bounty hunter license is approved, the Superintendent shall issue a bounty hunter license and a bounty hunter identification card to the applicant, which shall be valid for two years, except that an applicant who has applied for a bounty hunter license pursuant to N.J.A.C. 13:55B-2.1(b) shall be issued a temporary bounty hunter license and a temporary bounty hunter identification card valid for 90 days during which time the applicant must complete an approved bounty hunter training course as required by N.J.A.C. 13:55B-2.5.

13:55B-2.5 Completion of an approved bounty hunter training course required

(a) An applicant who has applied for a bounty hunter license pursuant to N.J.A.C. 13:55B-2.1(b) shall complete a bounty hunter training course in accordance N.J.A.C. 13:55B-3.1(a) and (b) within 90 days of receiving a temporary bounty hunter license and temporary bounty hunter identification card, unless granted an extension pursuant to (b) below.

(b) An applicant who has applied for a bounty hunter license pursuant to N.J.A.C. 13:55B-2.1(b) may request an extension of time, in writing, from the Superintendent, if he or she has not completed the required bounty hunter training course prior to the expiration of the temporary certificate of registration issued pursuant to N.J.A.C. 13:55B-2.4. Requests for extensions will be approved or denied on a case-by-case basis, depending upon the circumstances that prevent a person from completing the required bounty hunter training course in a timely manner.

(c) An applicant who has applied for a bounty hunter license pursuant to N.J.A.C. 13:55B-2.1(b) shall complete a bounty hunter training course established by the Superintendent. Upon completing the bounty hunter training course, the Superintendent shall issue a bounty hunter license and a bounty hunter identification card to the applicant, which shall be valid for two years.

(d) Any applicant who has applied for a bounty hunter license pursuant to N.J.A.C. 13:55B-2.1(b) who has not completed a bounty hunter training course in accordance N.J.A.C. 13:55B-3.1 within 90 days of receiving a temporary bounty hunter license and temporary bounty hunter identification card, and has not received an extension pursuant to (c) above, shall immediately cease performing the functions, activities or services of a bounty hunter or advertising or holding a business out to be that of a bounty hunter.

13:55B-2.6 Renewal of bounty hunter license

(a) A person holding a valid bounty hunter license who wishes to renew their license for an additional two-year period shall submit an application for renewal on a form provided by and in a manner prescribed by the Superintendent, no later than 60 days prior to the expiration of the current license.

(b) An applicant for renewal of a bounty hunter license shall submit to the Superintendent a non-refundable renewal fee of \$ 200.00.

(c) An applicant for renewal of a bounty hunter license shall re-submit fingerprints and a written consent for a criminal history background check in a manner prescribed by the Superintendent. The person seeking renewal shall bear the cost for the criminal history background check, including all costs of administering and processing the check, as required by N.J.A.C. 13:59.

13:55B-2.7 Denial, revocation, suspension of, or refusal to renew, a bounty hunter license

(a) The Superintendent may deny any initial application for a bounty hunter license, revoke or suspend any current license, or refuse to renew any license, for any of the following reasons:

1. The person holding a bounty hunter license, applying for a license, or applying for renewal of a license, has been convicted of any act or acts, which would be a first, second, third, or fourth degree crime under N.J.S.A. Title 2C, New Jersey Code of Criminal Justice or under the laws of any other state;
2. The person holding a bounty hunter license, applying for a license, or applying for renewal of a license, has been convicted of any crime or offense, in this or any other state, involving the unlawful use, possession, or sale, of a controlled dangerous substance as defined in N.J.S.A. 2C:35-2;
3. The person holding a bounty hunter license, applying for a license, or applying for renewal of a license, has been convicted of any crime or offense, in this or any other state, where certification would be contrary to the public interest, as determined by the Superintendent;
4. The person holding a bounty hunter license, applying for a license, or applying for renewal of a license, is alleged to have violated one of the provisions of N.J.S.A. 45:19-28 et seq., the Bounty Hunter Licensing Act;
5. The person holding a bounty hunter license, applying for a license, or applying for renewal of a license, has failed to comply with any of the rules in this chapter;
6. The person holding a bounty hunter license, applying for a license, or applying for renewal of a license, has knowingly made a false material statement or omitted information in an application or any other form required by the Superintendent under the rules in this chapter;
7. The person holding a bounty hunter license, applying for a license, or applying for renewal of a license, has demonstrated bad moral character, incompetence, or untrustworthiness; or
8. The Superintendent determines that good cause exists to deny, revoke, suspend, or refuse, renewal of a bounty hunter license in the interest of public safety.

SUBCHAPTER 3. BOUNTY HUNTER TRAINING COURSE

13:55B-3.1 Bounty hunter training course

(a) An applicant who has applied for a bounty hunter license pursuant to N.J.A.C. 13:55B-2.1(b) must complete a bounty hunter training course established and administered by the Superintendent within 90 days of receiving their temporary bounty hunter license and temporary bounty hunter identification card unless granted an extension pursuant to N.J.A.C. 13:55B-2.5(c).

(b) The training course shall include, but not be limited to, a minimum of two hours of instruction in each of the following general subject areas:

1. Constitutional law;
2. The criminal justice system;
3. Arrest, search, and seizure;
4. Limits on the use of force;
5. Ethics and professional conduct; and
6. Any other subject areas the Superintendent determines are necessary in the interest of public safety.

SUBCHAPTER 4. REGISTRATION OF EMPLOYEES OF LICENSED BOUNTY HUNTERS

13:55B-4.1 Employees of licensed bounty hunters

(a) Under the Bounty Hunter Licensing Act, licensed bounty hunters may employ as many persons as the licensee may deem necessary to assist the licensee in the licensee's work and in the conduct of the licensee's business, provided that:

1. A person employed to perform any of the functions, activities or services of a bounty hunter as defined in N.J.A.C. 13:55B-1.3, is also licensed as a bounty hunter in accordance with N.J.A.C. 13:55B-2; and
2. A person employed solely for clerical, administrative or other functions, which will be performed exclusively at the licensee's principal place of business or other places of business, that is, offices, sub-agencies, branches, home offices, utilized by the licensee, is registered with the Division of State Police in accordance with N.J.A.C. 13:55B-4.2 and has consented to a criminal history background check in accordance with (b) below.

(b) Any person seeking to be employed by a licensed bounty hunter for clerical, administrative or other functions, which will be performed exclusively at the licensee's principal place of business or other places of business, that is, offices, sub-agencies, branches, home offices, utilized by the licensee, shall submit fingerprints and a written consent for a criminal history background check in a manner prescribed by the Superintendent. The employee shall bear the cost for the criminal history background check, including all costs of administering and processing the check, as required by N.J.A.C. 13:59.

(c) A licensed bounty hunter shall require that each employee executes and furnishes a signed and notarized "employee statement" on a form provided by and in a manner prescribed by the Superintendent. The employee statement shall set forth the employee's full name, residence, place and date of birth and such other information as the Superintendent shall require.

1. A person who makes a false statement in, or knowingly omits any material information from, an "employee statement" as required by this section, shall be subject to civil and/or criminal penalties as specified by the Bounty Hunters Licensing Act.

2. The "employee statement" will be retained in safekeeping by the employing licensed bounty hunter and shall be accessible to the Superintendent at all times.

13:55B-4.2 Registration of employees with the Division of State Police

(a) A licensed bounty hunter who wishes to employ a person for clerical, administrative or other functions, which will be performed exclusively at the licensee's principal place of business or other places of business, that is, offices, sub-agencies, branches, home offices, utilized by the licensee, shall register that person with the Division of State Police on a form provided by and in a manner prescribed by the Superintendent. The registration form shall contain information required by the Bounty Hunter Licensing Act and any supporting documentation requested by the Superintendent.

(b) Each registration form submitted by a licensed bounty hunter who wishes to employ a person for clerical and administrative functions, or other functions performed exclusively at the licensee's principal place of business or other places of business, that is, offices, sub-agencies, branches, home offices, utilized by the licensee, shall include the bounty hunter license number of the proposed employer and the location of the proposed principal place of business or location of any other places of business, that is, offices, sub-agencies, branches, home offices, where the registrant will be employed.

(c) A licensed bounty hunter who wishes to employ a person for clerical and administrative functions, or other functions performed exclusively at the licensee's principal place of business or other places of business, that is, offices, sub-agencies, branches, home offices, utilized by the licensee, shall submit a non-refundable registration fee of \$ 25.00 along with each completed registration form submitted to the Superintendent.

(d) There shall be a presumption that a person is qualified to perform clerical and administrative functions, or other functions performed exclusively at the licensee's principal place of business or other places of business, that is, offices, sub-agencies, branches, home offices, utilized by the licensee, unless otherwise determined by the Superintendent.

(e) A licensed bounty hunter shall not employ a person for clerical and administrative functions, or other functions performed exclusively at the licensee's principal place of business or other places of business, that is, offices, sub-agencies, branches, home offices, utilized by the licensee, after April 1, 2007, unless that person is registered with the Division of State Police in accordance with this chapter.

13:55B-4.3 Renewal of registration required every two years

(a) A licensed bounty hunter who wishes to continue to employ a person for clerical, administrative or other functions, which will be performed exclusively at the licensee's principal place of business or other places of business, that is, offices, sub-agencies, branches, home offices, utilized by the licensee, shall submit a renewal registration on a form provided by and in a manner prescribed by the Superintendent. A renewal registration form must be forwarded to the Superintendent no later than 60 days prior to the expiration of an employee's approved two-year registration period.

(b) A licensed bounty hunter who wishes to continue to employ a person for clerical, administrative or other functions, which will be performed exclusively at the licensee's principal place of business or other places of business, that is, offices, sub-agencies, branches, home offices, utilized by the licensee, shall submit a non-refundable renewal registration fee of \$ 25.00 along with his or her completed re-registration form to the Superintendent.

13:55B-4.4 Disqualification of a prospective or current employee by the Superintendent

(a) The Superintendent, after examination of initial registration and renewal registration forms and such further inquiry and investigations as the Superintendent shall deem proper as to the good character, competency, and integrity of an employee, shall make a determination of whether a prospective or current employee is qualified to perform clerical and administrative functions, or other functions performed exclusively at the licensee's principal place of business or other places of business, that is, offices, sub-agencies, branches, home offices, utilized by the licensee.

(b) If it is determined that a prospective employee is not qualified or a current employee is no longer qualified to perform clerical and administrative functions, or other functions performed exclusively at the licensee's principal place of business or other places of business, that is, offices, sub-agencies, branches, home offices, utilized by the licensee, the Superintendent shall notify the licensed bounty hunter who wishes to employ or employs a prospective or current employee to deny or terminate employment.

(c) The Superintendent may disqualify a prospective or current employee from employment by a licensed bounty hunter if it is determined that:

1. The prospective or current employee has been convicted of any act or acts which would be a first, second, third, or fourth degree crime under Title 2C, New Jersey Code of Criminal Justice or under the laws of any other state;
2. The prospective or current employee has been convicted of any offense, in this or any other state, involving the unlawful use, possession, or sale, of a controlled dangerous substance as defined in N.J.S.A. 2C:35-2;
3. The prospective or current employee has been convicted of any offense, in this or any other state, where employment by a licensed bounty hunter would be contrary to the public interest, as determined by the Superintendent;
4. The prospective or current employee is alleged to have violated one of the provisions of N.J.S.A. 45:19-28 et seq., the Bounty Hunter Licensing Act;
5. The prospective or current employee has failed to comply with any of the rules in this chapter;
6. The prospective or current employee has knowingly made a false material statement or omitted information in an "employee statement," registration form, or any other form required by the Superintendent under the rules in this chapter;
7. The prospective or current employee has demonstrated bad moral character, incompetence, or untrustworthiness; or
8. The Superintendent determines that good cause exists to deny, revoke, suspend, the employment of a prospective or current employee in the interest of public safety.

13:55B-4.5 Termination of employment

A licensed bounty hunter who employs a person for clerical, administrative or other functions, which will be performed exclusively at the licensee's principal place of business or other places of business, that is, offices, sub-agencies, branches, home offices, utilized by the licensee, pursuant to this chapter, is required to notify the Superintendent when a registered employee's employment is terminated. Such notification shall be in writing, within 10 days of the termination of employment, and shall state the nature of the termination, that is, fired, resigned, quit, etc., and reasons for the termination.

SUBCHAPTER 5. BOUNTY HUNTER BADGES, UNIFORMS, IDENTIFICATION CARDS AND OTHER INSIGNIA

13:55B-5.1 Badges and uniforms

(a) A licensed bounty hunter or employee of a licensed bounty hunter shall not use a title, badge, uniform, or other insignia, that is likely to be confused with that of any law enforcement officer of the Federal government, a state, or any political subdivision thereof.

(b) The use, exhibit, and display, of the Great Seal of the State of New Jersey by a licensed bounty hunter or employee of a licensed bounty hunter is strictly prohibited by N.J.S.A. 52:2-3.

13:55B-5.2 Identification cards

(a) A bounty hunter shall be responsible for safekeeping of the bounty hunter identification card and shall not lend, let, or allow, any other person to use, possess, exhibit, or display the card.

(b) No person shall duplicate or reproduce a bounty hunter identification card in any manner without the written approval of the Superintendent.

(c) If it is established that a bounty hunter identification card has been lost or destroyed, the Superintendent shall, upon payment of a non-refundable \$ 30.00 duplication fee, cause to be issued a duplicate identification card.

(d) A bounty hunter whose license has been revoked, suspended, or not renewed, shall immediately surrender the bounty hunter license and identification card to the Superintendent. Any person who fails to surrender an identification card and/or misuses an identification card, as described in (a) and (b) above or as described in the Bounty Hunter Licensing Act, shall be subject to civil and/or criminal penalties as specified in N.J.S.A. 45:19-28 et seq.

13:55B-5.3 Carrying and producing bounty hunter identification cards

A licensed bounty hunter shall carry their bounty hunter identification card whenever employed as, or performing the functions of, a bounty hunter and shall produce same upon request, except where doing so would compromise the bounty hunter's safety and/or assignment.

SUBCHAPTER 6. IMPLEMENTATION AND ADMINISTRATION OF THE BOUNTY HUNTER LICENSING ACT

13:55B-6.1 Submission of applications, forms, other documents, and fees

(a) All applications, forms, other documents, and fees required by this chapter shall be forwarded to the headquarters of the Division of State Police in the Department of Law and Public Safety in a manner prescribed by the Superintendent which may include electronic submission.

(b) Unless otherwise prescribed by the Superintendent, applications, forms, and other documents shall be mailed to:
Superintendent
Division of State Police
PO Box 7068
River Road
West Trenton, NJ 08628-0068

13:55B-6.2 Inspection of licensed bounty hunter records

(a) For the purpose of investigating whether a person has engaged in, or is engaging in, any act or practice declared unlawful under this chapter or under the Bounty Hunter Licensing Act, or for the purpose of investigating the character, competency, integrity, or methods of operation of applicants, licensees or registrants therein, the Superintendent shall have the power to:

1. Inspect the principal place of business and/or the location of any other places of business, that is, offices,

sub-agencies, branches, utilized by applicants, licensees or registrants, at any time and without notification;

2. Examine and impound any record, book, computer, electronic database, recording device, document, account, paper, or other tangible thing, which is connected with any investigation; and

3. Require that any applicant, licensee, or registrant make, on such forms as may be prescribed by the Superintendent, a statement or report, in writing, under oath, or otherwise, as to the facts and circumstances concerning any matter being investigated.

13:55B-6.3 Notice and hearings

(a) The Superintendent shall notify applicants, licensees or registrants, in writing, of any denial, revocation, suspension of, or refusal to renew licenses and registration cards and shall state the reasons for the action.

(b) The Superintendent shall afford applicants, licensees or registrants an opportunity to be heard thereon in person or by counsel. A request for such an opportunity to be heard shall be made in writing to the Superintendent within 15 days of the receipt of notice provided in (a) above.

(c) All hearings shall be held in accordance with the provisions of the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.