

BOUNTY HUNTERS

LEGISLATOR NOTICE

The Legislative Services Division is required to offer a brief history on the subject matter of a bill draft request prior to drafting (5-4-105, MCA; [Chapter 309, Laws of 2017](#)). The history must include related legislation introduced over the last five sessions and hyperlinks to the bill, hearing information, and fiscal notes. The legislation links below open to the page showing the status and history of bills introduced on this topic in the past. The bill text and any related fiscal notes can be accessed through the link at the top of that page.

Legislation can be complex and this history is not intended to be exhaustive. Please contact the drafter of the requested bill for more information.

Background Materials and Research

Topic Summary: Issues surrounding bounty hunters have come up numerous times over the years in Montana. Most recently a charge of aggravated burglary was dismissed against a bounty hunter who broke into a home in the middle of the night where a fugitive was sleeping with his wife and child. The judge dismissed the charge because he found that there are no specific laws limiting bounty hunters and existing United States Supreme Court precedent and other court rulings provide authority. *See generally, Taylor v. Taintor*, 83 U.S. 366 (1872). In essence, bounty hunters are largely unregulated. Bail bondsmen, on the other hand, are regulated and while licensed bail bondsmen do have the authority to arrest a client who has failed to show up for court or violated a condition of release, 46-9-503, MCA; 46-9-510, MCA, there is nothing to prevent them from subcontracting with unlicensed bounty hunters. The root of the issue lies in the fact that historically bounty hunters have had a symbiotic relationship with the criminal justice system, yet because they are not law enforcement officers, they are not considered state actors. Because they are not considered state actors, they do not have to adhere to the same constitutional, statutory, and regulatory standards as law enforcement officers. As a result, they have broader powers of arrest and search and seizure.

Legislative Services Division Materials: Can include reports, legal opinions, white papers. Hyperlinks.

Other Materials: [UNITED STATES V. POE: A MISSED OPPORTUNITY TO REEVALUATE BOUNTY HUNTERS' SYMBIOTIC ROLE IN THE CRIMINAL JUSTICE SYSTEM](#); [Bounty Hunters Can Search Without Warrants Because They are Not State Actors](#).

Introduced Legislation

Include year, most recent first. Hyperlink to status page. *Chapter number assigned means bill was passed and approved. Most recent action. Cut and paste title. Example provided.

2017

None

2015

[Senate Bill 223](#) – Died in Standing Committee -- A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING BAIL LAWS; PROVIDING THAT AFTER BAIL MODIFICATION A COURT MAY ONLY ACCEPT THE TOTAL AMOUNT OF ADJUSTED BAIL; PROVIDING THAT WHEN BAIL IS POSTED USING PERSONAL PROPERTY THE VALUE OF THE PROPERTY MUST BE TWICE THE AMOUNT OF THE BAIL; PROVIDING THAT THE SURETY COMPANY MAY NOT ARREST THE DEFENDANT PRIOR TO THE ORDER OF FORFEITURE WHEN THE DEFENDANT OWES A DEBT TO THE SURETY COMPANY FOR BREACH OF CONTRACT, UPON REQUEST OF AN INDEMNITOR, OR FOR A VIOLATION OF A CONDITION OF RELEASE; CHANGING THE TIME PERIOD THAT THE DEFENDANT MAY SURRENDER; AND AMENDING SECTIONS 46-9-311, 46-9-401, 46-9-503, AND 46-9-510, MCA."

2013

[Senate Bill 400](#) – Died in Standing Committee -- A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS REGARDING BAIL BONDS; ESTABLISHING THE BAIL FUGITIVE RECOVERY AGENTS ACT; ESTABLISHING LICENSING AND OTHER REQUIREMENTS FOR BAIL BOND AGENTS AND BAIL FUGITIVE RECOVERY AGENTS; REQUIRING A BAIL BOND AGENT OR BAIL FUGITIVE AGENT TO NOTIFY LOCAL LAW ENFORCEMENT PRIOR TO APPREHENDING A DEFENDANT; PROVIDING THAT A PERSON WHO IS LICENSED AS A PRIVATE INVESTIGATOR IS SUBJECT TO THE ACT; AND PROVIDING A PENALTY EXPANDING THE EXISTING RULEMAKING AUTHORITY OF THE DEPARTMENT OF LABOR AND INDUSTRY; AND AMENDING SECTIONS 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." [Original version of Senate Bill 400](#)

2011

None

2009

None

