

105TH CONGRESS  
2D SESSION

# H. R. 3168

To clarify that bail bond sureties and bounty hunters are subject to both civil and criminal liability for violations of Federal rights under existing Federal civil rights law, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 1998

Mr. HUTCHINSON (for himself, Mr. CANADY of Florida, Mr. CONYERS, Mr. HASTINGS of Florida, Mrs. MYRICK, Mr. BLUNT, Ms. LOFGREN, Mr. OBERSTAR, Mr. ALLEN, Mr. KLECZKA, Mr. FILNER, Mr. DEFazio, Mr. FROST, Mr. MARTINEZ, Ms. FURSE, Mr. BARRETT of Wisconsin, Mr. WEXLER, and Mr. SHADEGG) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To clarify that bail bond sureties and bounty hunters are subject to both civil and criminal liability for violations of Federal rights under existing Federal civil rights law, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Citizen Protection Act  
5 of 1998”.

1 **SEC. 2. CLARIFICATION OF APPLICATION OF CIVIL RIGHTS**  
2 **LAWS.**

3 (a) IN GENERAL.—For purposes of section 1979 of  
4 the Revised Statutes of the United States (42 U.S.C.  
5 1983), section 242 of title 18, United States Code, and  
6 other Acts of Congress providing civil or criminal liability  
7 for the deprivation of Federally protected rights under  
8 color of any statute, ordinance, regulation, custom, or  
9 usage, of a State, a surety on a bail bond, and any bounty  
10 hunter, seeking to obtain or exercise custody over a person  
11 admitted to bail under the laws of a State is acting under  
12 color of a statute, ordinance, regulation, custom, or usage  
13 of that State. Any bounty hunter, whether acting as an  
14 independent contractor or an employee of a surety on a  
15 bail bond, shall be considered the agent of such surety for  
16 the purposes of such liability.

17 (b) NOTIFICATION OF STATE AUTHORITIES.—It shall  
18 be the duty of each surety on a bail bond and of each  
19 bounty hunter, who, in a State, seeks to obtain or exercise  
20 custody over a person admitted to bail outside that State,  
21 before commencing activities in that State, to inform the  
22 local law enforcement agency of such information pertain-  
23 ing to the surety or bounty hunter as is required under  
24 the law of that State.

25 (c) DEFINITIONS.—As used in this Act—

1           (1) the term “bounty hunter” means a person,  
2           other than a public official engaging in official du-  
3           ties, who seeks, for compensation or in order to re-  
4           ceive a reward, to obtain or exercise custody over an-  
5           other person for purposes of criminal judicial pro-  
6           ceedings; and

7           (2) the term “State” includes any territory or  
8           possession of the United States and the District of  
9           Columbia.

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