STATE OF NEW YORK
DEPARTMENT OF STATE

DETERMINATION

In the matter of a request that "bail bond agent" be designated as an eligible profession for the purchase, sale, and use of body armor.

Date of determination: November 2, 2026

Legal framework

To purchase or take possession of body armor in New York State, an individual or entity must be engaged or employed in an eligible profession.[1] Pursuant to Executive Law section 144-a, the Department of State (Department) has created a process whereby individuals and entities may request that the profession in which they engage be added to the Department list of eligible professions.[2] The Department has received a request that "bail bondsmen," "bail agents," "bail enforcement agents," and "bounty hunters" be designated as eligible professions. Prior to adding any of these professions to the list of eligible professions, the Department must first determine whether the duties of the profession may expose an individual engaged in such profession to serious physical injury that may be prevented or mitigated by the wearing of body armor, or whether the duties of the profession are necessary to facilitate the lawful purchase, sale, or use of body armor.

Brief Statement of Determination

For the reasons discussed more fully below, the profession of "bail bond agent" is added to the list of eligible professions.

Request

Requestor identified the commonly used names of the professions he was requesting to be placed on the list of eligible professions as "bail bondsman," "bail agent," "bail enforcement agent," and "bounty hunter." The position of bail agent, also referred to as bail bond agent, is a position licensed by the Department of Financial Services (DFS) and "bail bondsman" is a commonly used name for the bail agent position. The position of bail enforcement agent is a position licensed by the Department, and "bounty hunter" is a commonly used name for the bail enforcement agent position. Based on these facts, the Department determined that the bail agent and bail enforcement agent are two separate professions which are not appropriate for a

[1] New York Penal Law § 270.21
[2] *See* 19 NYCRR Chapter XIX, Part 905, generally.

consolidated review.[3] Accordingly, the Department posted the positions of bail agent and bail enforcement agent separately on its website and issued separate determinations. This determination concerns bail bond agent.[4] The Department determination with respect to bail enforcement agent is also issued as of this date and adds the bail enforcement agent profession to the list of eligible professions.[5]

The Department published notice of the bail agent request on its website on March 17, 2026, providing the public thirty days to submit additional requests relating to this profession. The Department received no other requests relating to this request within the applicable time period.

Bail bond agents are licensed by the DFS (Insurance Law Article 68, 11 NYCRR Part 28) and "bail bondsman" is a commonly used name of the profession. The requestor describes the duties of his position as a "bail agent/bail bondsman" as follows:

> Bail Bondsman regularly interact with known criminals in securing their court assigned bonds. Bondsmen must investigate potential clients to determine their suitability for services based upon many factors including their criminal past. Some Bail Bondsmen or their agents (Bail Enforcement Agents) may be licensed Private Investigators but many are not, as the requirements for licensing are very different. Nevertheless, Bail Bondsmen and Agents must utilize many of the same skills when investigating the backgrounds or locating for potential recoveries of clients who become fugitives.

Requestor provided a brochure from the company by whom he is employed. In very broad terms, the brochure provides that the agency is more than a "bail bond service," it is a pillar of trust in the community and that its "mission to is provide a highly professional, sophisticated, and superior bail bond service that reflects the deep expertise, dedication, and ethics of our founders."

The requestor holds a current bail bond agent license issued by DFS, and his license expires December 31, 2026. At the time of submission of this application, the requestor was the qualifying officer for Archangel Operations, a business which holds a private investigator license issued by the Department that expired October 28, 2026. Through the private investigator license, requestor would have been authorized to perform the duties of a bail enforcement agent even though he is not individually licensed by the Department as a bail enforcement agent.[6]

The requestor explains the dangers associated with his profession of bail bond agent as follows:

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[3] 19 NYCRR §905.5(c)

[4] The DFS license for the profession the requestor identifies as "bail agent" is titled "bail bond agent license under section 6802 of the Insurance Law." The DFS website uses the position name of "bail bond agent." However, the relevant DFS regulations identify the position name as "bail agent." *See* 11 NYCRR Part 28. As there is no legal significance to the two different names for the profession, for consistency with the license name and for clarity, the Department has used "bail bond agent" to identify this profession in the Department's determination and to identify the profession to be added to the eligible list.

[5] Bail Enforcement Agent (Date of Determination November 2, 2026)

[6] *See* General Business Law §§ 70 and 70-a.

> Clients who skip court or attempt to flee the jurisdiction of their criminal proceedings must be investigated and located by the Bail Bondsmen or their Agents (Bail Enforcement Agents) which often forces them to investigate dangerous locations, in high crime areas and interact with hostile individuals who may resent their attempts to locate the client. Clients, their families and friends, are at times also criminals who may threaten or use violence in order to prevent the client from being returned to custody.

In response to Department questions, the requestor further explained that

> [i]n order to ensure compliance with the terms of the bail agreement, Bail Agents will make unannounced visits to a defendant's home or place of employment, as is outlined in said agreement. As is the nature of the profession, Bail Agents deal with individuals who are accused of committing crimes, some of which are violent or include the possession of weapons. Some of these individuals become emotional and may resist being checked for compliance or being returned to custody.

The requestor indicated that prior to July 2022, individuals engaged in the profession of bail bond agent utilized body armor, that the types of body armor required varied from case to case and that bail bond agents regularly use concealed and unconcealed amor.

Findings of fact and analysis

A "profession" refers to any occupation or line of work referenced or included within a category identified in the Standard Occupational Classification Manual ("SOC"), published by the federal Office of Management and Budget, or as otherwise described in a federal, state, or local statute or regulation.[7] Insurance Law Article 68 and 11 NYCRR Part 28 provide the licensing scheme for bail bond agents and require that any individual or business engaging in *bail bond business* must be licensed by DFS as a bail bond agent. The brochure requestor submitted states that his employer is engaged in bail bond service. Bail bond business is defined as:

> [a]ny person, firm or corporation in any court having criminal jurisdiction or in any criminal action or proceeding who shall for another deposit money or property as bail or execute as surety any bail bond who within a period of one month prior thereto shall have made such a deposit or given such bail in more than two cases not arising out of the same transaction shall be deemed to be doing a bail business and doing an insurance business as defined in article eleven of this chapter.[8]

An individual engaged in the bail bond business must be licensed by DFS:

[7] 19 NYCRR § 905.1(f).
[8] Insurance Law § 6801(a)(1).

> No person, firm or corporation or any officer or employee thereof shall act in this state as an agent or solicitor of an insurer or charitable bail organization doing a bail business in soliciting, negotiating or effectuating any such deposit or bail bond by such insurer or charitable bail organization unless licensed by the superintendent as an agent pursuant to the provisions of this section.[9]

Bail bond agents are required to provide certain documents to indemnitors and/or principals which have been approved by the DFS superintendent.[10] One of those documents is the "Bail Bond Statement of Rights" (Statement), which explains the bail process and the role of bail bond agents in that process as follows:

> [w]hen a defendant (the "principal" or "arrestee") is held before trial, the court may release them under conditions known as "bail." Bail usually includes payment to the court, which is typically given back at the end of the case if the defendant follows court orders. If the defendant (or their friends or family can't afford the full payment, they can use what is known as a "bail bond." There are several types of ba)il (*sic*) bonds, such as insurance company bonds, where a defendant's friends or family sign a contract with a licensed bail agent who will pay for them. These contracts are usually called "indemnity agreements" or "bail agreements," and the friends or family that sign them are called "indemnitors."[11]

The defendant/principal/arrestee is also entitled to a copy of any document or contract they sign and all paperwork relating to the terms and conditions of the bail, including the circumstances under which the bail bond agent would surrender the defendant, other than forfeiture (when the defendant does not return to court) or if the defendant is exonerated. *Id*. Further, the Statement explains that the bail bond agent can charge a fee or "premium" for the bond and may also seek collateral for the bond. The maximum amount of the premium is set by law. A court must approve the bond. *Id.* However, as the Statement further provides,

> [a] bail agent may not charge any fees outside the premium except for the out-of-pocket costs for the apprehension and surrender of the defendant following a court-ordered warrant, the apprehension and surrender of the defendant following the documented request of the indemnitor, and the application for the remission of forfeiture. The maximum premium amount is separate from any collateral that may be required.[12]

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[9] Insurance Law § 6802 (a).
[10] 11 NYCRR §§ 28.13, 28.17, and 28.18.
[11] *www.dfs.ny.gov/apps_and_licensing/bail_bond_agents/home*.
[12] *Id*.; *see also* 11 NYCRR § 28.8.

Bail bond agents enter into bail agreement with a principal or indemnitor to provide bail.[13] However, the bail bond agent may only use a contract or form to which the insurer issuing the bail bond submits, and which has received approval from the DFS superintendent.[14]

The licensing requirements for a prospective bail bond agent include establishing to the satisfaction of the DFS superintendent their trustworthiness and competence, filing a bond and passing a written exam appropriate to doing bail business (which includes additional requirements for bail bond agents operating in larger cities).[15]

To deem a profession eligible, the requestor must establish that the duties of the profession sometimes require individuals engaged or employed in that profession to be exposed to serious physical injury that may be prevented or mitigated by the wearing of body armor.[16]

The instant request provides sufficient evidence establishing a connection between the duties of the profession and exposure to serious physical injury that may be mitigated or prevented by the wearing of body armor. The applicable licensing law, regulations, and the Statement establish that the main duty of the bail bond agent is to secure a bond on behalf of an individual who has been arrested, and held, on criminal charges to allow for their release from custody. This duty requires working with an insurance company to secure such bond, investigation as to suitability of the defendant for the bond and locating criminal defendants to ensure compliance with terms of the bail agreement. As noted by the requestor, bail bond agents at times engage in unannounced visits to a person's home or workplace in order to ensure compliance with the terms of their agreements. Such visits have the potential to uncover noncompliance that the agent must act on, which can create foreseeable tension and hostility, especially where noncompliance may have implications that can result in the loss of a person's individual freedom from incarceration. Under such circumstances, it appears that, a risk of gunfire may arise.[17] Therefore, the requestor has linked these types of tasks to potential exposure to gunfire or other such dangers that could lead to serious physical inquiry or death that could be prevented or mitigated by the use of body armor.

Previously, approved requests to add a profession to the List of Eligible Professions have discussed duties specific to that profession that may expose an individual to gunfire, such as the handling of live firearms, guarding valuable items or sensitive locations, or in-person enforcement activities. These are duties that inherently involve a likelihood of exposure to gunfire. Some approved requests offer verifiable, documented evidence such as past instances of injury that may have been prevented or mitigated by the wearing of body armor. Taken together, the evidence provided by a requestor is vital to identifying a profession and its duties, and making an

[13] 11 NYCRR § 28.1(c).
[14] 11 NYCRR §66.1(b).
[15] Insurance Law §§6802 (e), 6802(g), 6803(h) 6803(j).
[16] Because the profession of bail bond agent does not involve facilitation of the lawful purchase, sale, or use of body armor, the relevant inquiry for this request does not require analysis of this portion of the inquiry.
[17] *See* https://www.fox13news.com/news/bail-bondsman-survives-wesley-chapel-apartment-ambush-lucky-be-alive, last visited September 29, 2026 (reporting a September 11, 2026, shooting in the state of Florida in which a defendant allegedly shot an agent of a bail bond company who arrived at the defendant's home after the defendant failed to appear in court).

informed determination about whether a profession is eligible pursuant to Executive Law § 144-a.

With respect to the profession of bail bond agent, the requestor explains that if the defendant fails to meet the condition of bail or does not return to court as required, the bail bond agent may be required to surrender that defendant to court. However, only an individual licensed as a bail *enforcement* agent, or licensed as a *private investigator*, can apprehend and return to court an individual released on bail who has failed to appear in a criminal proceeding. The law specifically provides that:

> [n]o person, firm, company, partnership, limited liability company or corporation shall engage in the business of bail enforcement agents . . . notwithstanding the name or title used in describing such agency or notwithstanding the fact that other functions and services may also be performed for fee, hire or reward, without having first obtained from the department of state a license so to do.[18]

Further,

> "Bail enforcement agent" shall mean and include only the business of bail enforcement and shall also mean and include, separately or collectively, the engaging in the business of enforcing the terms and conditions of a person's release from custody on bail in a criminal proceeding, including locating, apprehending and returning any such person released from custody on bail who has failed to appear at any stage of a criminal proceeding to answer the charge before the court in which he may be prosecuted.[19]

Additionally,

> [n]othing in this article shall prevent a private investigator licensed hereunder from performing the services of a watch, guard or patrol agency or bail enforcement agent as defined herein; however, a watch, guard or patrol agency or bail enforcement agent may not perform the services of a private investigator as defined herein.[20]

The requestor explains that bail bond agents face danger when they must investigate and locate clients who skip court or attempt to flee the jurisdiction where their criminal case is pending, or when they make unannounced visits to a defendant's home or place of work as may be outlined in the bail agreement entered into with the defendant and/or indemnitor. The requestor explains that such investigations and visits may result in the bail bond agent conducting investigations in high crime areas and interacting with individuals who may be hostile (including family members and friends) who resent their attempts to locate the client. Given the types of criminal offenses that are eligible for bail, bail bond agents may be seeking to

[18] General Business Law § 70-a (2).
[19] General Business Law § 71(1-a).
[20] General Business Law § 70(1).

locate, or investigate, defendants charged with violent felony offenses, such as homicide, strangulation, terrorism, criminal possession of a weapon, hate crimes, witness intimidation, and high-level drug offenses such as A-1 controlled substance felonies.[21]

Further, the potential incarceration periods defendants face if convicted are quite lengthy. For example, for the A-1 felony of criminal possession of a controlled substance in the first degree,[22] a court may impose a maximum sentence of life in prison and a mandatory minimum of not less than 15 years.[23] For Class A-1 felonies of murder in the first degree which include causing the death of another person who was a police officer, firefighter, or witness to a crime, or killing an individual in furtherance of an act of terrorism,[24]the maximum sentence is life imprisonment and the mandatory minimum is 20 years.[25] For certain Class B violent felonies such as first degree rape,[26] first degree manslaughter,[27] second degree arson,[28] first degree criminal possession of a weapon,[29] and first degree criminal use of firearm,[30] the maximum sentence is 25 years and minimum sentence must be at least 5 years.[31]

Defendants facing such serious charges which could result in significant periods of incarceration, once released on bail, may seek to avoid returning to court to face possible conviction by evading detection and location by the bail bond agent through use of violence, including the use of firearms. As noted above, the job duties of a bail bond agent include conducting unannounced site visits to a defendant's home or other locations to determine compliance with the terms of the bail bond agreement. A finding of noncompliance with the terms of a bail bond agreement can create foreseeable pressure, tension, and hostility, especially in circumstances noncompliance may have certain implications that can result in the loss of a person's individual freedom. Under such circumstances, it appears that a risk of gunfire may arise. Such dangers are significant, and sufficient to establish that the bail bond agent is exposed to a danger different from that faced by the general public in such areas and that exposure to that danger is required by their job duties.

Although a bail bond agent does not alone have the authority to take an uncooperating individual into custody and would be required to engage the services of a bail enforcement agent or private investigator to apprehend or locate that individual if they fled after being contacted by the bail bond agent,[32] the bail bond agent is still exposed to the same potential dangers as the bail

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[21] Where a defendant is charged with a "qualifying offense," Courts have the authority to release defendants on their own recognizance, release defendant under certain non-monetary conditions, fix bail, or order non-monetary conditions in conjunction with fixing bail. Such qualifying offenses are set forth in Criminal Procedural Law §§ 510.10(4), 530.20(1)(b) and 530.40(4), and some of such offenses are listed herein.
[22] Penal Law § 220.21.
[23] Penal Law § 70(2)(a) and 70(3)(a)(i).
[24] Penal Law § 125.27.
[25] Penal Law § 70(2)(a) and 70(3)(a)(i).
[26] Penal Law § 130.35.
[27] Penal Law § 125.20.
[28] Penal Law § 150.15.
[29] Penal Law § 265.04.
[30] Penal Law § 265.09.
[31] Penal Law §§ 70.02(1)(a) and 70.02(3)(a).
[32] Although the bail bond agent cannot perform the duties of the licensed bail enforcement agent to secure the return of a defendant to court, the law does allow bail bond agents to charge a defendant or principal for out-of-pocket expenses, in addition to the permissible premium charge, related to the apprehension of a defendant client who is about to flee. *See* 11 NYCRR § 28.8.

enforcement agent (a profession the Department placed on its eligible list[33]) resulting from seeking to locate, or investigate, the same types of criminal defendants who are charged with committing violent offenses and facing significant prison sentences if convicted. Thus, even though the bail bond agent's duties do not extend to apprehending defendants, because they their duties also require them to interact with and make determinations regarding compliance with the terms of bail bond agreements with the very same criminal defendants that bail enforcement agents locate and apprehend, they too may sometimes be exposed to danger and serious bodily injury that can be prevented or mitigated by the use of body armor.

Further, although the bail bond agent duties are not similar to those of the animal control officer as the requestor has suggested,[34] the duties are similar to those of the bail enforcement agent, as discussed above, as well as, in part, the attorney profession,[35] both of which were placed on the Department list of eligible professions.[36]

Determination

As the profession of bail bond agent is described in state law and regulation (Insurance Law Article 68 and 11 NYCRR Part 28), those sections provide the description of the profession covered by this determination.

The information set forth within the current request and above warrants the profession of bail bond agent being added to the Department list of eligible professions.

The profession of bail bond agent is added to the list of eligible professions.

[33] Bail Enforcement Agent (Date of Determination November 2, 2026).
[34] The requestor contended that the bail bond agent duties are similar to those of the animal control officer which the Department previously placed on its list of professions eligible to purchase body armor. Unlike the bail bond agent, the animal control officer has the power to issue appearance tickets under Criminal Procedure Law § 150.20, to serve summonses, and execute other orders or process in the execution of the provision of Article 7 of the Agriculture and Markets Law. Further, the animal control officer is required to take possession of a dangerous animal and that "can involve emotional altercations with the animal's owner, and retrieving an animal from an abusive situation can also require entry onto private property or a residence and involve confrontation with an animal's owner." None of the bail bond agent duties are similar to these types of duties, and the Animal Control determination does not provide a basis for placing the bail bond agent position on the list of eligible professions. Animal Control Officer (Date of Decision May 4, 2023).
[35] Attorney (Date of Determination January 21, 2026.
[36] Although not a controlling factor in the determination, prior to July 2022, the fact that individuals engaged in the profession of bail bond agent regularly used concealed and unconcealed body armor weighs in favor of placing the position on eligible list.