STATE OF NEW YORK
DEPARTMENT OF STATE

DETERMINATION

In the matter of a request that "bail enforcement 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 each 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 enforcement 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 of State, 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 were two separate professions which were not appropriate

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

for a 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 is with respect to bail enforcement agent only. The Department determination with respect to bail bond agent is also issued as of this date and adds the bail bond agent profession to the list of eligible professions.[4]

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

Requestor is not a licensed bail enforcement agent. At the time this application was submitted, 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.[5] The Department previously placed the position of private investigator on the list of professions eligible to purchase body armor.[6]

With respect to the duties of bail enforcement agent, the requestor explained that a bail enforcement agent may be hired by a bail agent to apprehend a criminal defendant released from custody on bail who has failed to appear at their criminal proceeding and return that defendant to court to answer criminal charges. With respect to the dangers a bail enforcement agent faces, the requestor explains that:

> [c]lients 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.

Findings of fact and analysis

A "profession" refers to any occupation or line of work referenced or included within a category identified in the 2018 Standard Occupational Classification (SOC) Manual published by the federal Office of Management and Budget, or as otherwise described in a federal, state, or

[3] 19 NYCRR §905.5(c)

[4] Bail Bond Agent (Date of Determination November 2, 2026) Note, 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] *See* General Business Law §§ 70 and 70-a.

[6] Private Investigator (Date of Determination August 3, 2022).

local statute or regulation.[7] The requestor identifies the numerical SOC code pertaining to their profession as 33-9021, which is titled "Private Detectives and Investigators." The duties description associated with this SOC detailed occupation group sets forth that people who work in this occupation "[g]ather, analyze, compile, and report information regarding individuals or organizations to clients, or detect occurrences of unlawful acts or infractions of rules in private establishment." The listed illustrative examples are Private Eye, Skip Tracer, and Store Detective.

The position of bail enforcement agent is licensed by the Department of State, and the duties of the position are as follows:

> "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.[8]

Bail enforcement agents are required to notify local law enforcement before attempting to apprehend a fugitive and the form of notice is determined by local law enforcement. Local law enforcement may accompany the bail enforcement agent to the site of the apprehension.[9]

The requirements of the bail enforcement agent license provided for Department review include the following:

> three years of experience as a police officer; an investigator in an agency of the state, county, or federal government; or an employee of a licensed private investigator or at a firm, partnership, company, or corporation where one member has been performing the duties described in the definition of bail enforcement agent; OR twenty years' experience as a police officer or fire marshal.[10]

Further, the bail enforcement agent must have completed a 25-hour course of instruction approved by the secretary of state. Some of the required topics for the course are: search or seizure of bailee/fugitive; entering homes, businesses and vehicles; rights of bailee/fugitive; rights of accused under State law; rights of accused under Federal law; extradition; criminal and civil law relating to bail bonds; and basic concepts of criminal justice law.[11]

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[7] 19 NYCRR § 905.1(f).
[8] General Business Law § 71(1-a).
[9] *See* dos.ny.gov/frequently-asked-questions-bail-enforcement-agent.
[10] Department of State Private Investigator, Bail Enforcement Agent, Watch, Guard or Patrol Agency Application; *see also* General Business Law § 72.
[11] General Business Law § 72 (1-b); 19 NYCRR § 171.3.

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.[12]

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, in their inherent nature, 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 informed determination about whether a profession is eligible pursuant to Executive Law § 144-a.

Preliminarily, as the position of private investigator is already on the list of eligible professions and as the Department finds that the duties of bail enforcement agent are encompassed within the duties of private investigator, the Department finds that the private investigator determination is controlling precedent in its analysis. Further, the bail enforcement agent request, and the licensing provisions for this position, provide sufficient evidence to establish 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 and regulations establish that the duties of the position include enforcing the terms and conditions of an individual's release from custody on bail by locating, apprehending and returning such person to court to answer the charges against them, if necessary. Such in-person enforcement duties are similar in important respects to those of private investigators,[13] code enforcement officers,[14] and animal control officers.[15] The Department has already placed these three professions on the list of eligible professions.

Bail enforcement agents also encounter risks similar to those of a peace officer or police officer when locating and apprehending a criminal defendant who has failed to appear for a court date. Such apprehension activities involve confronting a defendant who is fleeing the jurisdiction and who will potentially use any means, including weapons, to prevent the bail enforcement agent from returning them to court to potentially face a lengthy incarceration period. The police and peace officer positions were designated as eligible professions as a matter of law pursuant to 19 NYCRR § 905.1(d).

Finally, the training requirements for bail enforcement agent support a finding that these agents conduct in-person enforcement duties that require them to put themselves in situations which expose them to danger, including the seizure of bailees/fugitives and entering homes, businesses and vehicles in pursuit of bailees/fugitives. Although bail enforcement agents cannot enter a defendant's home without a warrant or permission, a defendant could have previously granted such permission through the bail contract or bail agreement, and such defendant may use

[12] Because the profession of bail enforcement 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 question.
[13] Private Investigators (Date of Determination August 3, 2022).
[14] Code Enforcement Officers (Date of Determination September 21, 2022).
[15] Animal Control Officer (Date of Determination May 4, 2023).

violence, including firearms, to prevent being apprehended and returned to court to face potential incarceration.

Determination

As the profession of bail enforcement agent is described in state law and regulation (General Business Law § 71(1-a), those sections provide the description of the profession covered by this determination.

The Department determines that the information set forth within the current request and discussed more fully herein warrants the addition of the profession of "bail enforcement agent" to the Department list of eligible professions.

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