

Date of Hearing: March 24, 2026
Counsel: Kimberly Horiuchi

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

Nick Schultz, Chair

AB 1927 (Krell) – As Amended March 16, 2026

SUMMARY: Creates the Bail Consumer Protection Act and prohibits a bail agent or someone impersonating a bail agent from engaging in authorized solicitation of bail to a family member or known contact of an arrested individual for purposes of bail bond services. Specifically, **this bill:**

- 1) Prohibits a bail agent or impersonator from engaging in unauthorized solicitation of bail to any family member or known contact of an arrested person for the purpose of engaging the recipient in bail bond services.
- 2) States the prohibitions of a bail agent or impersonator applies regardless of whether the bail agent or impersonator obtained the personal information of the family member or known contact from public records, arrest booking information, or any other source.
- 3) Authorizes solicitation for bail services in the following circumstances:
 - a) Where permitted in regulations for bail solicitation, as specified;
 - b) Where the communication to any family member or known contact in response to a voluntary inquiry or request for bail bond services initiated by the same family member or known contact.
 - c) When the communications occur through written advertisements or publicly accessible websites, if the communications do not target specific family members or known contacts without consent.
- 4) Mandates a first violation of unauthorized solicitation of bail be punishable as a civil penalty of not less than \$1,000 and not more than \$5,000 for each unauthorized solicitation.
- 5) Requires a second violation or subsequent violation of unauthorized solicitation of bail be punishable as a civil penalty of not less than \$5,000 and not more than \$10,000 for each unauthorized solicitation.
- 6) Authorizes the Department of Justice (DOJ) to investigate complaints, impose penalties, and seek injunctive relief for unauthorized solicitation of bail.
- 7) Requires the DOJ to notify the Department of Insurance (DOI) of any actions brought by the DOJ against a licensed bail agent for unauthorized solicitation of bail.
- 8) States, in addition to the civil penalties, a bail agent's license may be suspended or revoked by the DOI upon a finding of unauthorized solicitation of bail and a violation of the Unfair

Competition Law (UCL).

9) Authorizes any person who receives an unauthorized solicitation of bail may bring a civil action for actual damages, injunctive relief, and reasonable attorneys' fees against the bail agent or impersonator.

10) Defines the following terms:

- a) "Arrested individual" means a person who has been taken into custody by a law enforcement agency on suspicion of committing a criminal offense.
- b) "Bail agent" means any person licensed to engage in the business of bail for the release of persons from custody, including any licensed or unlicensed person or entity acting at the direction or on behalf of a bail agent.
- c) "Family member" means a spouse, domestic partner, parent, child, sibling, grandparent, grandchild, or other person related by blood, marriage, or adoption to the arrested individual, or any person identified in public records or arrest notifications as a known emergency contact or cohabitant of the arrested individual.
- d) "Impersonator" means any person or entity impersonating a bail agent or government law enforcement agency for the purpose of engaging in the unauthorized solicitation of bail, as specified.
- e) "Known contact" means any person identified in the arrested individual's booking records, emergency contact information, or other publicly available arrest-related data as a potential point of contact for the arrested individual.
- f) "Unauthorized solicitation of bail" means any telephone call, text, email, or other form of communication to an arrestee, an arrestee's family, or adult personal contacts initiated by a bail agent or impersonator to solicit the purchase of bail where the recipient has not previously requested bail services, as specified.

11) States the provisions of the bill are severable.

EXISTING LAW:

- 1) Provides that an insurer shall not execute an undertaking of bail except by and through a person holding a bail license issued as provided in this chapter. A person shall not in this state solicit or negotiate in respect to execution or delivery of an undertaking of bail or bail bond by an insurer or execute or deliver such an undertaking of bail or bail bond unless licensed as provided. (Ins. Code, §1800.)
- 2) Defines "bail bond" to include any contract not executed by a surety insurer for or method of release of person arrested or confined on account of any actual or alleged violation of the provisions of any law of this or any other State or of any municipality in this State, including any release by means of cash or other property deposited in lieu of bail under the provisions of applicable Penal Code sections whereby the attendance in court when required by law and

obedience to orders and judgment of any court by the person released is guaranteed. (Ins. Code, § 1800.4.)

- 3) Provides that bail licenses include bail agents' licenses, bail permittees' licenses, and bail solicitors' licenses. (Insurance Code § 1801)
- 4) Requires a bail agent licensee to file with the IC a surety bond of \$1,000. (Ins. Code § 1802, subd. (a).)
- 5) Requires an applicant for a license to act as a bail agent to file with the DOI a notice of appointment executed by a surety insurer, as specified. (Ins. Code § 1802.1, subd. (a).)
- 6) States any violation of the Insurance Code rules on bail services, or of any rule of the Insurance Commissioner is punishable by up to one year in county jail or three years in county jail, a fine of \$10,000, or by both imprisonment and fine. (Ins. Code, § 1814.)
- 7) Establishes the Bail Fugitive Recovery Persons Act which requires that all bail fugitive recovery persons meet specified training requirements and comply with particular laws including, but not limited to, being at least 18 years of age and completing various courses and classes. (Pen. Code, § 1299 et seq.)
- 8) Defines "bail fugitive recovery person" as a person who is provided written authorization, as specified, by the bail or depositor of bail, and is contracted to investigate, surveil, locate, and arrest a bail fugitive for surrender to the appropriate court jail, or police department, and any person who is employed to assist a bail or depositor of bail to investigate, surveil, locate, and arrest a bail fugitive for surrender to the appropriate court, jail, or police department. (Pen. Code, § 1299.01, subd. (d).)
- 9) Requires a bail fugitive recovery person to have in their possession copies of completed certificates of required training at all times when performing their duties. (Pen. Code, § 1299.04)
- 10) Requires the California Department of Insurance (CDI) to charge and collect specified fees for an application for a new or renewed bail license by a bail agent, bail permittee, or bail solicitor. (Ins. Code, § 1811)
- 11) Provides that no person other than a certified law enforcement officer shall be authorized to apprehend, detain, or arrest a bail fugitive unless that person meets one of the following conditions:
 - a) They are a person licensed by CDI, as specified;
 - b) They are a bail fugitive recovery person who has been provided with written authorization by the bail, depositor of the bail, and is contracted to investigate, surveil, locate, and arrest a bail fugitive for surrender to the appropriate authorities, as specified;
 - c) They are licensed by the State of California as a private investigator; or,
 - d) They hold a private investigator's license issued by another state, is authorized by the bail or depositor of bail, to apprehend a bail fugitive, and in compliance with provisions

of law that govern the apprehension of a fugitive that has been admitted to bail in another state. (Pen. Code, § 1299.02, subd. (a)(1-3).)

- 12) Makes a violation of the Bail Fugitive Recovery Act a misdemeanor, punishable by a fine of \$5,000, or imprisonment in a county jail not to exceed one year, or by both a fine and imprisonment. (Pen. Code, § 1299.11.)
- 13) Mandates, except as specified, no bail licensee may solicit any person for bail in any prison, jail, or other place of detention of persons, court or public institution connected with the administration of justice; or in the halls or corridors adjacent thereto; provided that a bail licensee *may* in such halls, corridors or in other rooms or areas where not prohibited by local rule or ordinance transact bail, as specified, who have prior to transaction, requested the bail licensee's services. (Cal. Code Regs., tit. 10, § 2074.)
- 14) Prohibits a bail licensee, for any purpose, directly or indirectly, from entering into an arrangement of any kind or have any understanding with a law enforcement officer, newspaper employee, messenger service or any of its employees, a trusty in a jail, any other person incarcerated in a jail, or with any other persons, to inform or notify any licensee (except in direct answer to a question relating to the public records concerning a specific person named by the licensees in the request for information), directly or indirectly, of:
 - a) The existence of a criminal complaint;
 - b) The fact of an arrest; or
 - c) The fact that an arrest of any person is impending or contemplated.
 - d) Any information pertaining to [those] matters or the persons involved with them. (Cal. Code Regs., tit. 10, § 2076.)
- 15) Prohibits a bail licensee from soliciting bail except as specified and from:
 - a) An arrestee;
 - b) The arrestee's attorney;
 - c) An adult member of the arrestee's immediate family; or
 - d) Such other person as the arrestee shall specifically designate in writing. Such designation shall be signed by the arrestee before the solicitation, unless prohibited by the rules, regulations or ordinances governing the place of imprisonment. If so prohibited, it may be signed after release of the arrested to ratify a previous oral designation made by the arrestee. (Cal. Code Regs., tit. 10, § 2079, subd. (a-d).)
- 16) States any solicitation of an arrestee themselves shall be only after a bona fide request for bail services has been received from the arrestee or from a person, as specified. Any solicitation of a person shall be only between the hours of 7 o'clock a.m., and 11 o'clock p.m., unless the bail licensee is directly and specifically authorized in writing by the arrestee or the

arrestee's attorney to make such solicitation at some other specific time. (Cal. Code Regs., tit. 10, § 2079.1.)

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Author's Statement:** According to the author, “Bail is founded on the presumption of innocence and the right to personal freedom. Reflective of this, the right to bail is enshrined in our State Constitution, and it serves a vital role in navigating the court system. More often than not, Californians rely on bail agents and consumer bail bonds to post bail. Recognizing the sensitivities of the bail industry, California regulates when and under what circumstances bail agents can solicit bail. Unfortunately, many individuals, consisting of both licensed bail agents and unlicensed scammers, illegally solicit bail. Currently, while prohibited by existing regulations, existing law does not provide any explicit remedies to those impacted. AB 1927, the Bail Consumer Protection Act, would provide these remedies and bolster enforcement to ensure that arrestees and their family members are adequately protected and have recourse in case of unlawful actions.”
- 2) **Bail Generally:** Bail is a contract for release of a person from jail upon a promise to appear at future court hearings. The promise is backed by a bond issued through a bail agent. A bailed defendant is said to be in the constructive custody of the bail agent. (*Taylor v. Taintor* (1862) (16 Wall.) 83 U.S. 366, 372.) “In pre-Norman England, a bondsman ... could suffer the same penalty as the fugitive. This ... led to the allowance of rather extreme measures for capture [of the fugitive].” (*Ouzts v. Maryland National Ins. Co.* (1974) 505 F.2d 547, 550.) These measures include allowing a bail agent to arrest a fugitive in a state other than where bail was issued. (*Ibid.*)

The court in *Ouzts* recognized the right of California to regulate bail:

"Thus, we note that the common law right of the bondsman to apprehend his principal arises out of a contract between the parties and does not have its genesis in statute or legislative fiat. Because it is a contract right it is transitory and may be exercised wherever the defendant may be found. All of this is not to say, however, that the state may not enter the field and regulate the business and practice of bail bondsmen. California has done precisely that." (*Ibid.*)

- 3) **Existing Regulations for Bail Bond Solicitation:** CDI has several regulations related to a bail licensee's¹ solicitation for bail services. Title 10 of the Code of Regulations, section 2079 states a bail licensee may not directly solicit an arrestee, an arrestee's attorney, or an adult member of the arrestee's immediate family. (Cal. Code of Reg., tit. 10, § 2079, subd. (a-c).) Regulations also prohibit a bail licensee from soliciting anyone for bail that is in prison, jail, or a place of detention. (Cal. Code of Regs., tit. 10, § 2074.) Finally, regulations

¹ A bail licensee is defined in Insurance Code section 1800, et seq., as any person who is licensed to offer bail services in California. All bail businesses must be licensed.

demand that an arrestee must seek bail services before a licensee may solicit for services. (Cal. Code of Regs., tit. 10, § 2079.1.) Insurance Code section 1814 states that any violation of the CDI regulations related to bail solicitation may be charged as either a misdemeanor or a Realigned felony. (See Ins. Code, § 1814.)

In 2023, the California Supreme Court ruled CDI was within its authority to prohibit bail licensees from receiving “inside” information from jail inmates about new arrestees booked into a county jail for purposes of solicitation. (*People v. Martinez* (2023) 15 Cal.5th 326.) The Court in *Martinez* held, in rejecting the plaintiff’s First Amendment argument:

Because Cal. Code Regs., tit. 10, § 2076, promulgated and enforced under Ins. Code, §§ 1812 [and] 1814, operated in a commercial setting and restricted commercial speech in prohibiting bail agents ... from entering into agreements with jail inmates to obtain information about recent arrests, a bail agent's claim that the regulation burdened a protected speech right under the First Amendment, U.S. Const., 1st Amend., and Cal. Const., art. I, § 2, subd. (a), was subject to intermediate scrutiny, not strict scrutiny.... To the extent protected speech might have been implicated, the regulation was not facially invalid because it was narrowly tailored and directly advanced significant state interests that went beyond preventing unlawful solicitation and included furthering sound jail administration and fair competition in the bail bond industry. (*Martinez*, 15 Cal.5th at 352.)

In most county jails, there is information about bail services either posted near a phone or distributed to all arrestees. This prevents a monopoly by one bail licensee who happens to have an “in” with the jail and the likelihood of vexatious calls from bail agents offering services to family members who do not want services. This bill seeks to add CDI regulations to the Penal Code, as well as prohibitions against contacting the arrestee’s family members for purposes of soliciting bail services.

- 4) **Argument in Support:** According to *National Association of Bail Agents*: “NABA is the principal national organization representing licensed secured bail professionals across the United States. We commend the California Bail Agents Association and the bill’s author for advancing this critical measure, which addresses one of the most harmful practices currently undermining the integrity of the secured bail profession: the unsolicited data mining of arrest records and cold calling of arrestees’ family members for commercial solicitation without any prior request. Using automated scraping software, bad actors harvest real-time booking data, trace family members through commercial data broker services, and place unsolicited calls — sometimes within minutes of arrest — to parents and spouses who are frightened and wholly unprepared to evaluate a financial contract. The documented harms are severe:
- Emotional exploitation during acute crisis: California courts have recognized that families of the newly arrested are in a “stressful setting” where they “may be vulnerable to pressure to make an immediate decision” (*People v. Dolezal*, 2013).
 - Predatory pricing: Cold-call solicitors frequently lure families with illegal below-rate

premiums, then layer hidden fees that leave families paying far more than represented.

- **Unlicensed operator access:** The same public booking data is equally accessible to unlicensed individuals posing as bail agents, enabling outright fraud targeting families in crisis.
- **Privacy exploitation:** Automated jail-roster scraping combined with commercial data broker services exploits personal information made public for governmental accountability — not commercial targeting.

“NABA emphasizes that ethical licensed professionals are harmed — not protected — by these practices. Reputational damage from predatory solicitation falls on the entire profession, and illegal below-rate discounting creates unfair competition that compliant agents cannot match. AB 1927 levels the field and protects both consumers and ethical practitioners. California’s existing CCR framework (Sections 2074–2079.1), affirmed in *People v. Martinez* (2023), does not explicitly reach the modern practice of independent automated scraping followed by data-broker-assisted family contact — precisely the gap AB 1927 closes. Minnesota’s 2016 consent decrees offer a proven national model. NABA urges a favorable vote and stands ready to provide additional testimony or research at the Committee’s request.”

- 5) **Argument in Opposition:** None submitted.
- 6) **Related Legislation:** SB 562 (Ashby) requires a court to order a refund to an arrestee or defendant of any money paid to a licensed bail surety agent within 30 days in specific circumstances. SB 562 is pending in this Committee.
- 7) **Prior Legislation:**
 - a) AB 2043 (Jones-Sawyer) Chapter 768, Statutes of 2022, prohibits a person from performing the activities of a bail fugitive recovery agent without a license and requires an applicant for a bail fugitive recovery agent's license to file a surety bond, a policy of liability insurance, and a notice of appointment with CDI.
 - b) AB 1347 (Jones-Sawyer) Chapter 444, Statutes of 2021, prohibits charging a renewal premium on a bail bond or immigration bond and provides civil penalties for a violation of this prohibition.

REGISTERED SUPPORT / OPPOSITION:

Support

California Bail Agents Association (Sponsor)
Afuera Bail Bonds
Aia Surety
All American Bail Bonds
Allegheny Casualty Company
Answer Bail Bonds
Armando S. Espinoza Bail Bonds
Artisan Bail Bonds
Bail Bond Professionals
Bail Bond Woman
Bail House Bail Bonds
Bob Drake Bail Bonds
California Civil Liberties Advocacy
California Public Defenders Association
Carson Bail Bonds
Cecil C. Armstrong Bail Bonds INC.
Consumer Attorneys of California
Crime Victims United
Diaz Brothers Bail Bonds
Fausto's Bail Bonds INC
Gae Geram Bail Bond Agent
Golden State Bail Agents Association, INC.
Holly Bail Bonds INC.
Intrastate Bail Bonds
Josh Herman Bail Bonds
Kenny Ware Bail Bonds
Lil' Zeke's Bail Bonds
National Association of Bail Agents
Smokin' Ace Bail Bonds
Superior Bail Bonds
T. Jennings Bail Bonds
Trinity Bail Bonds

Opposition

None submitted.

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