
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguín, Chair
2025 - 2026 Regular

Bill No: AB 1927 **Hearing Date:** June 16, 2026
Author: Krell
Version: May 18, 2026
Urgency: No **Fiscal:** Yes
Consultant: AB

Subject: *Bail Consumer Protection Act*

HISTORY

Source: California Bail Agents Association

Prior Legislation: SB 1133 (Becker), vetoed, 2024
SB 262 (Hertzberg), failed passage on Assembly Floor, 2022
AB 2043 (Jones-Sawyer), Ch. 768, Stats. of 2022
AB 1347 (Jones-Sawyer), Ch. 444, Stats. of 2021
SB 10 (Hertzberg), Ch. 644, Stats. of 2018, repealed by referendum
AB 805 (Jones-Sawyer), Ch. 17, Stats. of 2014
AB 2029 (Ammiano), Ch. 747, Stats. of 2012
AB 379 (Hagman), not heard in Assembly Public Safety, 2011
AB 2238 (Spitzer), Ch. 166, Stats. of 2004
AB 243 (Wildman), Ch. 426, Stats. of 1999

Support: California Public Defenders Association

Opposition: None known

Assembly Floor Vote: 78 - 0

PURPOSE

The purpose of this bill is to prohibit a bail agent or impersonator from engaging in unauthorized solicitation of bail to any family member or known contact of an arrested individual for the purpose of engaging the recipient in bail bond services, as provided.

Existing law prohibits excessive bail. (Cal. Const., art. I, §§ 12, 28(f)(3).)

Existing law declares that a person shall be released on bail by sufficient sureties, except for:

- Capital crimes when the facts are evident or the presumption great;
- Felony offenses involving acts of violence on another person, or felony sexual assault offenses on another person, when the facts are evident or the presumption great and the court finds based upon clear and convincing evidence that there is a substantial likelihood the person's release would result in great bodily harm to others; or

- Felony offenses when the facts are evident or the presumption great and the court finds based on clear and convincing evidence that the person has threatened another with great bodily harm and that there is a substantial likelihood that the person would carry out the threat if released. (Cal. Const., art. I, § 12.)

Existing law provides that in setting, reducing or denying bail, the judge or magistrate shall take into consideration the protection of the public, the safety of the victim, the seriousness of the offense charged, the previous criminal record of the defendant, and the probability of his or her appearing at the trial or hearing of the case. Public safety and the safety of the victim shall be the primary considerations. A person may be released on his or her own recognizance (OR) in the court's discretion, subject to the same factors considered in setting bail. (Cal. Const., art. I, § 28(f)(3).)

Existing law 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, and that 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.)

Existing law defines "solicit," for the purposes of the provision above includes any written or printed presentation or advertising made by mail or other publication, or any oral presentation or advertising by means of telephone, radio, or television which implies that an individual is licensed under this chapter, and any activity in arranging for bail which results in remuneration to the individual conducting that activity. (Ins. Code, §1800, subd. (c).)

Existing law 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.)

Existing law specifies that bail licenses include bail agents' licenses, bail permittees' licenses, and bail solicitors' licenses. (Ins. Code, § 1801.)

Existing law requires a bail agent licensee to file with the Insurance Commissioner (IC) a surety bond of \$1,000. (Ins. Code § 1802, subd. (a).)

Existing law 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).)

Existing law 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.)

Existing law states that 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.)

Existing law states that the admission to bail is the order of a competent court or magistrate that the defendant be discharged from actual custody upon bail. (Pen. Code, § 1268.)

Existing law authorizes the officer in charge of a jail or the clerk of the superior court to approve and accept bail in the amount fixed by the arrest warrant, schedule of bail, or an order admitting to bail in cash or surety bond and to issue and sign an order for the release of the arrested person and to set a time and place for the appearance of the arrested person in court. (Pen. Code, § 1269b, subd. (a).)

Existing law provides that if a defendant has appeared before a judge of the court on the charge contained in the complaint, indictment, or information, the bail shall be in the amount fixed by the judge at the time of the appearance. If that appearance has not been made, the bail shall be in the amount fixed in the warrant of arrest or, if no warrant of arrest has been issued, the amount of bail shall be pursuant to the uniform countywide schedule of bail for the county in which the defendant is required to appear. (Pen. Code, § 1269b, subd. (b).)

Existing law states that it is the duty of the superior court judges in each county to prepare, adopt, and annually revise a uniform countywide schedule of bail for all bailable felony offenses and for all misdemeanor and infraction offenses except Vehicle Code infractions. The penalty schedule for infraction violations of the Vehicle Code shall be established by the Judicial Council. (Pen. Code, § 1269b, subd. (c).)

Existing law requires the countywide bail schedule to contain a list of the offenses and the amounts of bail applicable for each as the judges determine to be appropriate. If the schedule does not list all offenses specifically, it shall contain a general clause for designated amounts of bail as the judges of the county determine to be appropriate for all the offenses not specifically listed in the schedule. A copy of the countywide bail schedule shall be sent to the officer in charge of the county jail, to the officer in charge of each city jail within the county, to each superior court judge and commissioner in the county, and to the Judicial Council. (Pen. Code, § 1269b, subd. (f).)

Existing law provides that upon posting bail, the defendant or arrested person shall be discharged from custody as to the offense on which the bail is posted, and that all money and surety bonds so deposited with an officer authorized to receive bail shall be transmitted immediately to the judge or clerk of the court by which the order was made or warrant issued or bail schedule fixed. If, in the case of felonies, an indictment is filed, the judge or clerk of the court shall transmit all of the money and surety bonds to the clerk of the court. (Pen. Code, § 1269b, subd. (g).)

Existing law provides that no insurer, bail agent, or other bail licensee shall enter into a contract, agreement, or undertaking of bail that requires the payment of more than one premium for the duration of the agreement, and the duration of the agreement shall be until bail is exonerated, and that no insurer, bail agent, or other bail licensee, shall charge, collect, or receive a renewal premium in connection with a contract, agreement, or undertaking of bail. (Pen. Code, § 1276.1.)

Existing law provides that bail is put in by a written undertaking, executed by two sufficient sureties, and acknowledged before the court or magistrate, in a specified form. (Pen. Code, § 1277.)

Existing law 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.)

Existing law 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).)

Existing law 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)

Existing law provides that, 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.)

Existing law 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:

- The existence of a criminal complaint;
- The fact of an arrest; or
- The fact that an arrest of any person is impending or contemplated.
- Any information pertaining to [those] matters or the persons involved with them. (Cal. Code Regs., tit. 10, § 2076.)

Existing law prohibits a bail licensee from soliciting bail except as specified and from:

- An arrestee;
- The arrestee's attorney;
- An adult member of the arrestee's immediate family; or
- 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).)

Existing law states that 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.)

This bill provides that a bail agent or impersonator shall not engage in unauthorized solicitation of bail to any family member or known contact of an arrested individual for the purpose of engaging the recipient in bail bond services related to a person that has been arrested.

This bill provides that the above prohibition applies 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, but does not apply to any of the following:

- Solicitation permitted under specified regulations governing bail industry solicitation.
- 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.
- Communications through written advertisements or publicly accessible websites, if the communications do not target specific family members or known contacts without consent.

This bill specifies that a first violation of the prohibition above shall be punishable by a civil penalty of not less than \$1,000 and not more than \$5,000 for each unauthorized solicitation of bail.

This bill specifies that a second or subsequent violation shall be punishable by a civil penalty of between \$5,000 and \$10,000 for each unauthorized solicitation of bail.

This bill authorizes the Attorney General to investigate complaints, impose penalties, and seek injunctive relief for violations of this section, and provides that the Attorney General shall notify the Department of Insurance of any actions brought pursuant to these provisions.

This bill provides that a bail agent's license may be suspended or revoked by the Department of Insurance upon a finding of a violation of the above provisions.

This bill provides that a violation of this prohibition constitutes an unfair and deceptive trade practice under California's Unfair Competition Law, and that private individuals aggrieved by a violation may bring a civil action for actual damages, injunctive relief, and reasonable attorney's fees against the bail agent or impersonator.

This bill defines various terms used throughout the bill as follows:

- "Arrested individual" means a person who has been taken into custody by a law enforcement agency on suspicion of committing a criminal offense.
- "Bail agent" means any person licensed or required to be 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.
- "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.

- “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.
- “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.
- “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.

This bill includes a severability clause.

COMMENTS

1. Need for This Bill

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. California Bail System Overview

The California Constitution provides that, with limited exceptions, a criminal defendant has a right to be released on bail, and sets forth various factors the court must consider in determining whether an individual is not entitled to bail or in fixing the bail amount. In fixing the amount of bail, the California Constitution directs judges to consider the seriousness of the offense charged, the defendant’s criminal record, and the probability of the defendant appearing in court. The Constitution also permits own recognizance release in the court’s discretion.¹

¹ Cal. Const., art. I, § 12. See also art. 1, §28. There is some debate among legal scholars as to which constitutional provision governs bail release in California, though a recounting or resolution of this debate unnecessary for the purposes of this analysis. For more information, see Zukowski, David. “Article 1, section 28 – not section 12 – controls bail under the California constitution.” *SCOCAblog*. 8 February 2022. <https://scocablog.com/article-1->

Existing California law prescribes the process whereby a court may set a bail amount or a criminal defendant and provides that defendant may post bail by depositing cash or an equivalent form of currency, provide a security in real property, or undertake bail using a bail bond. Generally, to obtain a bail bond, an arrestee pays a licensed bail agent a non-refundable premium (usually a percentage of the total bail amount) in exchange for the bail agent agreeing to pay the full bail amount to the court in the event that the arrestee fails to appear (bail bonds are explained further in Comment 4). Existing law provides that the taking of bail consists in the acceptance by the court of “sufficient bail for the appearance of the defendant,” or that “the bail will pay to the people of this state a specified sum”² Thus, in California law, “bail” can refer to both the money or property deposited with the court to ensure the defendant’s appearance or to the party that has secured this obligation on the defendant’s behalf.

Bail is set via “bail schedules” that list preset amounts for various crimes. These schedules, revised annually, are promulgated by a committee of judges in each county, and apply county-wide. Existing law requires judges to consider the seriousness of each crime, and assign an additional amount of required bail for aggravating or enhancing factors.³ When bail is set in a given criminal case, a defendant or the prosecution can move the judge presiding over a particular case to raise or lower the amount of bail, or the defendant can request OR release. When a defendant remains detained in custody for want of bail, the law entitles the defendant to an automatic review within 5 days of setting bail. Additional statutory rules apply if the defendant is charged with a serious felony or domestic violence, the central component of which is the requirement that bail hearing be held prior to any release on bail. A court may also, upon good cause shown, either increase or reduce the amount of bail after a defendant has been admitted to bail.⁴

Existing law permits several different entities to accept and approve bail, including specified law enforcement officials at jail facilities or who otherwise oversee bail and superior court clerks.⁵ This provision is central to understanding the various points during the criminal process at which an arrestee may be bailed out. That is, when an individual is arrested for an offense for which they must be booked into county jail (as opposed to a “cite & release offense”), existing law provides that the person must be brought before a judge within 48 hours of their arrest, excluding Sundays and holidays.⁶ If the district attorney has filed charges by this first court hearing, the defendant will be arraigned on those charges. Often, however, arrestees seek to be bailed out during the period after arrest but prior to the first court hearing, in which case the common practice is that the arrestee will receive a notice to appear in court to be arraigned on any charges at a later date. To bail out during this pre-arraignment period, the bail amount corresponding to the charge for which the person was arrested must be submitted to the law enforcement entity overseeing the jail, and may be submitted via cash deposit or bail bond. Theoretically, this pre-arraignment period is also when courts should hold a “*Humphrey* hearing” to determine whether

section-28-not-section-12-controls-bail-under-the-california-constitution/; see also *In re Kowalczyk* (2022) 85 Cal.App.5th 667.

² Pen. Code, § 1269.

³ Pen. Code, § 1269b.

⁴ Pen. Code, §§ 1275, 1270.2, 1270.1, 1289.

⁵ Pen. Code, § 1269b(a).

⁶ Pen. Code, § 825(a).

an arrestee is being kept in custody solely because they do not have the financial resources to post bail.⁷

When the prosecuting agency initiates a criminal case by filing charges against an arrestee, the first court hearing in that case is the arraignment, where the arrestee (now “defendant”) is formally charged and typically enters a plea. A judge may also use an arraignment to informally address the issue of bail (via the process discussed above), though a formal bail hearing may also take place at a later date at the request of the defendant or prosecution. If a defendant fails to make any required court appearance without sufficient excuse, the court must declare the forfeiture of bail or any deposit in lieu of bail, though existing law provides many avenues for relief from forfeiture.⁸ Once a case has been resolved, or one of several other statutorily specified conditions has been met, the court may exonerate the bond. If the defendant obtained a bail bond, exoneration ends a bail company’s obligations to the defendant and to the court, and if the defendant deposited money in lieu of a bond, exoneration requires that the money be returned to the defendant.⁹

3. Bail Bonds and Relevant Industry Regulations

By far the common method of posting bail in California is via a bail bond, which is essentially a private-party contract that provides the court with a guarantee that the defendant will appear for a hearing or trial. A defendant or arrestee pays a licensed bail agent a percentage of the total amount of bail ordered as a non-refundable fee – usually around 8-10% of the total bail amount. Commercial bail bonds are underwritten and issued by licensed bail agents who act as the appointed representatives of licensed surety insurance companies. To secure release for a detained individual, a bail company issues the bond, usually in the form of a promissory note to the court that it will ensure the defendant’s or arrestee’s appearance, which the court may only accept if it is convinced that no part of the bond is from a felonious source.¹⁰ The bond basically acts as an insurance policy, providing that if the defendant fails to appear, the county will receive the full amount of bail set by the court. As designed, the bail system often allows the court to rely on the private sector to ensure appearances and provide a means for the county to be made whole in the event that a person fails to appear.¹¹

As a form of insurance, bail bonds and the businesses that provide them are regulated by the California Department of Insurance (CDI). Like any insurance provider, bail companies (as well as related bail fugitive recovery companies, or bounty hunters) are subject to a strict licensure regime which prohibits the solicitation or negotiation of bail unless the party is licensed, bonded and insured, and has completed specified training and education requirements.¹² These

⁷ *In re Humphrey* (2021) 11 Cal.5th 135, 482 held that detaining a person pretrial solely because they cannot afford bail violates due process and equal protection, and consequently, California courts must consider ability to pay when setting bail and cannot set unaffordable bail that would result in pretrial detention unless specified standards are met.

⁸ Pen. Code, §§ 1305-1308.

⁹ Pen. Code, §§ 1300-1302. Exoneration of the bond is required under a host of circumstances, including in certain instances when a case is dismissed (Pen. Code, §§ 1538.5(k), (l), 1385, 995), when the defendant is declared incompetent (Pen. Code, §§ 1368 et. seq.), when the defendant is ordered into a drug diversion program (Pen. Code, § 1000), when the defendant is surrendered into custody (Pen. Code, § 1300), and others.

¹⁰ Pen. Code, §1275.1(a).

¹¹ For a comprehensive overview of the bail system, including the function of bail bonds, see “Pretrial Detention Reform: Recommendations to the Chief Justice from the Pretrial Detention Reform Workgroup.” *Judicial Council of California*. Published October 2017. <https://courts.ca.gov/sites/default/files/courts/default/2024-08/pdrreport-20171023.pdf>

¹² Ins. Code, §§ 1800, 1802, 1810.7.

provisions also give the Insurance Commission broad latitude in suspending, revoking, or refusing to issue a license provided the licensee is granted a hearing on the action, and specify that the violation of any of these statutory requirements or any administrative rule issued pursuant thereto is a crime punishable as a wobbler.¹³

Turning to such rules, CDI has promulgated a host of regulations related to a bail licensee's solicitation of bail services. Specifically, these regulations generally prohibit the solicitation of bail by a bail licensee except from an arrestee, their attorney, an adult member of the arrestee's immediate family, or another person the arrestee designates in writing, but prohibits solicitation of bail from anyone that is in a prison, jail or place of detention.¹⁴ Moreover, these regulations require that an arrestee seek bail services before a licensee may solicit for services, and permits solicitation of the arrestee's attorney only between the hours of 7am and 11pm, unless the bail licensee is specifically authorized in writing by the arrestee or their attorney to make a solicitation.¹⁵ Notably, in 2023, the California Supreme Court ruled that 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.¹⁶

This bill effectively replaces¹⁷ the regulatory scheme above with a new statutory scheme prohibiting the "unauthorized solicitation of bail" to any family member or known contact of an arrested individual for the purpose of engaging the recipient in bail bond services related to a person that has been arrested. However, this prohibition does not apply to any solicitation in response to a voluntary inquiry or bona fide request for bail bond services, or to communications through written advertisements or publicly accessible websites. The bill states that a violation of these provisions is punishable by a civil penalty – including between \$1,000 and \$5,000 for a first offense and \$5,000-10,000 for a second/subsequent offense – and authorizes the Attorney General or any public prosecutor to investigate complaints, impose penalties, and seek injunctive relief. Although it is certainly common for the Attorney General to be charged with enforcing civil penalties, given CDI's strict bail licensing rules and familiarity with the bail industry, it is unclear why the bill does not grant that agency a greater role in enforcing the bill's civil penalties. Additionally, given that the statute proposed by the bill – which provides for the aforementioned civil penalties – would supersede existing regulations – which impose criminal penalties involving higher fines and potential jail time, the bill effectively reduces penalties for prohibited solicitation of bail. The author and Committee should consider whether such reduction is appropriate.

4. Argument in Support

According to the California Public Defenders Association:

This bill is important and necessary to protect individuals who are in an extremely vulnerable place when a loved one has been arrested. It is necessary to protect the privacy and well-being of families of arrested individuals by prohibiting

¹³ Ins. Code, §§ 1805-1807, 1814.

¹⁴ Cal. Code Regs., tit. 10, §§ 2074, 2079.

¹⁵ Cal. Code Regs., tit. 10, § 2079.1.

¹⁶ *People v. Martinez* (2023) 15 Cal.5th 326, 352. See also, *People v. Dolezal* (2013) 221 Cal.App.4th 167, holding that a narrowly tailored restriction on commercial speech prohibiting the direct solicitation of bail at a jail passes constitutional muster under the First Amendment.

¹⁷ It is well established that where a statute and administrative regulation are in conflict, the statute is controlling. *Dyna-Med, Inc. v. Fair Employment & Housing Com.* 43 Cal. 3d 1379

unauthorized solicitations, while at the same time allowing bail agents to respond to inquiries. Existing law has failed to provide necessary protections and permits unwanted solicitations from bail agents.

Individuals whose family members have been arrested often know little about the criminal legal system and how it operates. They are often at the mercy of and fall prey to someone who enters the picture and tells them they can get their loved one out of jail. Sometimes these individuals misrepresent or imply they have more power than they actually do have. Many times, the recipients of such solicitation are learning of the individual's arrest for the first time through these solicitations. These individuals may explicitly or implicitly impersonate law enforcement officials to solicit the purchase of bail. Such practices exploit vulnerable individuals and situations, pressure families into hasty decisions, and undermine public trust in the criminal legal system.

CPDA supports this bill which will provide protection for people who are experiencing one of the worst days of their lives upon finding out a son, daughter, or other close relative has been arrested.

-- END --