
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

SB 1026 (Gonzalez) - Bail Fugitive Recovery Agent Reform Act

Version: March 24, 2026

Urgency: No

Hearing Date: May 4, 2026

Policy Vote: INS. 5 - 2

Mandate: Yes

Consultant: Janelle Miyashiro

Bill Summary: SB 1026 clarifies and expands certain insurance coverage requirements for the licensing of bail agents and bail fugitive recovery agents (BFRA) and requires specified related disclosures to the California Department of Insurance (CDI). SB 1026 also provides additional authority for CDI to enforce licensure and insurance requirements for bail agents and BFRAs, codifies standards of conduct for these individuals in the Insurance Code, and creates penalties for non-compliance.

Fiscal Impact: Unknown potentially significant increase in administrative and enforcement workload for CDI to monitor compliance with expanded insurance coverage and disclosure requirements for bail agents and BFRAs (Insurance Fund). Total costs to CDI are unknown, but may range in the low hundreds of thousands of dollars. Penalty revenue may offset CDI's costs to some extent.

Background: Under the Bail Fugitive Recovery Persons Act, the authority to arrest and return bail fugitive defendants to court is restricted to licensed bail agents, BFRA, and specified private investigators. To perform these duties, individuals must complete a mandatory course on the power of arrest and 20 hours of training specific to the duties of bail agents. Authorized individuals are required to obtain and carry written authorization for each specific arrest, along with their applicable training certificates, whenever they are performing their duties.

When executing an arrest, authorized persons must notify local law enforcement, except in documented exigent circumstances. The law strictly prohibits any person authorized to arrest a bail fugitive from representing themselves as a law enforcement officer.

Current law mandates that no individual may perform the activities of a bail fugitive recovery agent without a valid license. To obtain this licensure, an applicant is required to file a surety bond, a policy of liability insurance, and a notice of appointment with the Insurance Commissioner.

Proposed Law:

- Stipulates that a bail agent's license permits the licensee to solicit, negotiate, and effect undertakings of bail on behalf of any surety insurer while there is current notice of appointment of that insurer filed with the Commissioner, as specified. Such a license cannot be issued unless there is a \$1,000 surety bond, filed with the Commissioner, and with certain conditions.
- Requires BFRAs to have the following on file with the Commissioner:

- A \$1,000 surety bond to allow persons to recover for injuries, loss, or damage resulting from the willful or wrongful acts or omissions of the BFRA.
- A policy of \$1 million of liability insurance coverage at minimum for each BFRA, for any one loss or occurrence due to either bodily injury or death, or property damage, or both, resulting from the willful or wrongful acts or omissions of the BFRA. The policy must be issued by an admitted insurer and cover at least the period of the BFRA's license with the specific dates of coverage described, as specified.
- Such a liability insurance policy must, among other things, state the full legal name and current BFRA license number, only insure BFRAs, extend only to the activities of a BFRA set down in law, insure only against loss or damage suffered by persons other than the insured BFRA or their associates, be primary and immediate coverage for any liability, and specify where the policy covers more than one person that at least \$1 million for any one loss or occurrence due to either bodily injury or death, or property damage, or both, will be available for each insured BFRA without exception.
- States that each BFRA is individually responsible for obtaining and maintaining an insurance policy that complies with all stated requirements, and for payment of policy premiums. Multiple combined policies that attempt to accomplish portions of the requirements are not acceptable. A BFRA may obtain reimbursement from the appointing agency for premium payments.
- Specifies that the following records, documents, and information regarding the required BFRA liability insurance policy must be filed in the manner specified by the Commissioner no more than 30 days after issuance or placement:
 - A complete, dated, and executed certificate of insurance.
 - A single document demonstrating satisfaction of all the required coverage amounts and scope, along with the policy language, the declaration page, endorsements, and amendments.
 - Proof of payment of the premium.
 - The telephone number, mailing address, certificate of authority number, and email address of the issuing insurance company.
 - The telephone number, mailing address, license number, and email address of the production agency that placed the policy, if the policy was placed through a licensed production agency which sells, solicits, or negotiates insurance policies.
- Requires a BFRA to provide written notification to the Commissioner, as specified, within 30 days of learning that their required insurance policy has been rescinded or will become inactive, suspended, canceled, or terminated for any reason, or if the scope of coverage or coverage limits have been reduced below the mandatory amount.

- States that the Commissioner must require such an active policy of liability insurance as a prerequisite to the issuance, reinstatement, reactivation, renewal, or continued maintenance of a BFRA license. If a BFRA does not have or maintain the necessary policy or proof thereof, their license will be suspended until they do so. Prior to suspension, the Commissioner must provide written notice to the BFRA that they have 30 days to provide proof of the mandatory insurance policy, or be suspended. While suspended, the BFRA cannot conduct any activity for which a BFRA license is needed.
- Denies the issuance of a BFRA license to an applicant who fails to satisfy these insurance requirements.
- Clarifies that for the purposes of the above requirements a BFRA means either a BFRA license holder or a BFRA license applicant.
- States that every holder of a license to act as a bail agent must file a notice of appointment with the Commissioner executed by a surety insurer or representative authorizing that applicant to execute undertakings of bail and to solicit and negotiate those undertakings on its behalf.
- States that every holder of a license to act as a BFRA must file a notice of appointment with the Commissioner, executed by a bail agent or surety insurer authorizing that applicant to act on behalf of, and pursuant to, the instructions of the appointing license holder. The notices of appointment shall not be considered effective until the notice is formally filed and acknowledged by the Commissioner.
- Exempts bail agents and bail permittees who apply for or hold a BFRA license from the notice of appointment filing requirement above if the bail agent or bail permittee has one or more surety appointments already on file with the Commissioner and the surety or sureties providing the appointments have authorized the bail agent or bail permittee to work under authority of the surety or sureties as a BFRA.
- States that a BFRA must disclose to CDI on any license application or renewal whether the BFRA is also a bail agent, permittee, or solicitor, and shall carry identification cards issued by the Commissioner, as specified.
- Allows the Commissioner to deny an application if the BFRA applicant or licensee has been convicted of a felony.
- States that a BFRA applicant or licensee whose POST certification is suspended, revoked, or voluntarily surrendered must notify the Commissioner when this occurs, as specified. Furthermore, a BFRA applicant or licensee is deemed to consent to the disclosure of information by POST to the Commissioner as necessary to verify the status of the certification, and the circumstances surrounding its suspension, revocation, or surrender.
- Allows the Commissioner to decline to issue a bail license until there is a determination that an applicant has not willfully or knowingly made a misstatement in the application, or has not made a false statement in testimony given under oath before the Commissioner or another person acting on the Commissioner's behalf.

- Specifies that any applicant for, or holder of, a BFRA license must be a current California resident and a continuous resident of this state for at least two years before applying for a BFRA license. If an applicant for, or holder of a BFRA license ceases to be a resident of this state, the application or license will become inactive. The holder of an inactive license cannot conduct any activity for which such a license is required until the Commissioner issues an order to restore the license.
- States that a BFRA licensee shall comply with all requirements and restrictions of the Bail Fugitive Recovery Persons Act contained in the Penal Code.
- Prohibits a BFRA licensee from:
 - Making any assertion or representation that they are a sworn law enforcement officer or representative of any government entity.
 - Wearing or possessing any uniform, device, item, document, or business card making it appear as though they belong to any government entity. As such a licensee may not display:
 - The words United States, California, bureau, task force, federal, agency, agent, department, deputy, officer, or other substantially similar words that may lead a reasonable person to mistakenly believe the licensee represents a government entity.
 - Any flag, seal, emblem, or symbol that may lead a reasonable person to mistakenly believe the licensee represents a government entity.
 - Wearing or otherwise using a badge, other than an identification card issued by the Commissioner.
 - Wearing any mask, false whiskers, or any personal disguise, whether complete or partial, that aids, or may aid, in evading or escaping discovery, recognition, or identification during bail fugitive recovery activities.
 - Using a fictitious name that represents them as belonging to any government entity.
 - Engaging in immigration enforcement, except pursuant to a valid judicial warrant or court order.
 - Disclosing or providing in writing, verbally, or in any other manner, personally identifiable information of any bail fugitive that is requested for purposes of immigration enforcement, except pursuant to a valid judicial warrant or court order.
 - Threatening legal action unrelated to the case for which bail was given, including any threat to initiate criminal, civil, administrative, or immigration proceedings.

- Loitering on or around a property if the bail subject is not present or harassing the occupants of a property with the aim of soliciting information about the location of the bail subject.
- Forcibly entering a premise, except as specified in current law.
- Carrying a firearm or other weapon, unless in compliance with the laws of the state.
- Using physical force, beyond is objectively reasonable and proportionate under the totality of the circumstances encountered.
- Detaining, restraining, or otherwise impeding the mobility of any person not subject to recovery as a bail fugitive.
- Requires a BFRA to do the following:
 - Wear a jacket, shirt, or vest with the words “BAIL BOND RECOVERY AGENT,” “BAIL ENFORCEMENT,” or “BAIL ENFORCEMENT AGENT” displayed in letters at least two inches high across the front or back of the jacket, shirt, or vest, and in contrasting color to that of the jacket, shirt, or vest when apprehending a bail fugitive. The words “BAIL BOND RECOVERY AGENT,” “BAIL ENFORCEMENT,” or “BAIL ENFORCEMENT AGENT” shall be lettered at least twice as large as any other text appearing on the jacket, shirt, or vest.
 - Except under pressing circumstances, notify the local police department or sheriff’s department in writing of the intent to apprehend a bail fugitive in that jurisdiction, prior to and no more than six hours before attempting to apprehend the bail fugitive. If such pressing circumstances exist, notice may be provided to the entities above by telephone before or after the arrest has taken place, in which case the name or operator number of the employee receiving the notice information must be obtained and retained.
 - The notice above must be in writing and include the name of the BFRA entering the jurisdiction, approximate time the BFRA will be entering the jurisdiction and the approximate length of the stay, the name and approximate location of the bail fugitive.
 - If a pressing circumstance arises and prior written notification is not given, the BFRA must notify the local police or sheriff’s department immediately after the apprehension, and upon request of the local jurisdiction, submit a detailed, written explanation of those circumstances within three working days after the apprehension is made.
 - Any record relating to notice to the local police department or sheriff’s department, must be transcribed in writing and retained by the BFRA for at least five years from the date of notice. Upon request by the Commissioner, a BFRA must provide a copy of any notice requested within 21 calendar days, including the following information:

- The name of the BFRA entering the jurisdiction.
 - The approximate time and date the BFRA entered the jurisdiction and the approximate length of the stay.
 - The name and approximate location of the bail fugitive.
 - The name of the bail agent or depositor of bail and corresponding court case number.
 - The name and telephone number of the local police department or sheriff's department contacted.
 - Method and form of notification.
 - Notice must be in writing or by telephone. All other forms of communication, including, social media, text messaging, internet-based messaging, or other verbal notice, are prohibited.
- Clarifies that immigration enforcement includes any efforts to investigate, enforce, or assist in any federal civil immigration law and includes the investigation or enforcement of any federal criminal law that penalizes a person's presence in, entry or reentry to, or employment in, the United States.
 - Clarifies that its provisions do not prohibit or restrict any government entity or official from sending to, or receiving from, federal immigration authorities, information regarding the citizenship or immigration status, of an individual, or from requesting from federal immigration authorities immigration status information of any individual, or maintaining or exchanging that information with other federal, state, or local government entity as specified.
 - A BFRA must include their license number on business cards or other documents produced by the licensee in a type size that is at least as large as any indicated telephone number, address, or fax number and in a font size not less than 8-point.
 - Sets penalties for violations of its provisions in the form of a fine levied by the Commissioner in the amount of \$4,000 for each offense. Each violation may be separately assessed when calculating penalty amounts, not to exceed \$20,000 for all offenses involved in one proceeding.
 - States that violations of its provisions are grounds to deny, suspend, or revoke a license.
 - Asserts that the powers vested in the Commissioner by its provisions are in addition to any other powers and remedies vested by law.
 - Allows the Commissioner to adopt, amend, or repeal regulations to implement its provisions, as specified.
 - Applies these provisions to any person present during, or participating in, recovery of a bail fugitive.

- States that its provisions are severable. If any provision is invalidated, that invalidity does not affect other provisions or applications that can be given effect otherwise.
- Makes various conforming and technical changes.

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