



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

### SUMMARY

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Senate Bill (SB) 1026 would significantly reform the licensure and conduct requirements for Bail Fugitive Recovery Agents (BFRAs), also known as bounty hunters.

### EXISTING LAW

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Assembly Bill (AB) 2029 (Ammiano, Chapter 747, Statutes of 2012) established the first statutory requirements for BFRAs, including an age limit, 60+ hours of field education, and a prohibition on serving as a BFRA if convicted of specified crimes.

AB 2043 (Jones-Sawyer, Chapter 768, Statutes of 2022) created a formal licensure program for BFRAs, administered through the California Department of Insurance's (CDI) licensing bureau. The licensing process added additional requirements, including a \$1 million liability insurance policy, a \$1,000 surety bond for every bail agent a BFRA contracts with, and a Notice of Bail Action that must be filed with CDI prior to any enforcement action taken by a BFRA. AB 2043 also added various BFRA conduct restrictions, including prohibitions on impersonating law enforcement.

SB 805 (Pérez, Chapter 126, Statutes of 2025) restricted BFRA's from engaging in immigration enforcement.

### BACKGROUND/PROBLEM

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BFRAs are licensed through CDI to apprehend bail fugitives, or people who have had their bail revoked. BFRAs are not peace officers in California and do not have the same protections or as peace officers.

Though BFRAs have operated in California for decades, formal standards and regulations surrounding their conduct were not adopted until 2012, and the State did not begin formally licensing agents until 2022. Since the establishment of the licensure program, there have been unfortunate instances of BFRAs identifying and exploiting loopholes in the law, undermining the ability of CDI in ensuring BFRAs are conducting their work safely and transparently.

As an example, BFRA's are required to hold their own liability insurance policies, but some BFRAs have engaged in 'policy hopping' by temporarily joining a bail agent's policy while contracted with them, rather than obtaining coverage for all activities of the BFRA. This practice makes it difficult to identify the insurer responsible for covering claims against the BFRA, and may even leave individuals unable to seek insurance compensation for bodily harm or property damage caused by the BFRA.

There currently is no way of discerning if BFRAs have also backdated Notices of Bail Action that are required to be filed with CDI. These notices state which bail licensee the BFRA is working for, establishing lines of oversight and

accountability for bad conduct. Failing to file notices of bail action before actual fugitive recovery harms efforts at meaningful oversight and can have deadling resultst – such as in March 2024, when a BFRA shot and killed a man in Newark while working.<sup>1</sup> There was no notice of bail action on file with CDI when the incident occurred.

Additionally, the conduct requirements and restrictions for BFRAs are in the Penal Code, which deprives CDI of any authority to discipline a BFRA licensee before a criminal conviction.

## **SOLUTION**

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SB 1026 closes the numerous loopholes in existing BFRA licensing requirements and adds conduct requirements for agents in the field to the Insurance Code, giving CDI an avenue to revoke a license for misconduct.

Specifically, this proposal:

1. Strengthens existing insurance requirements by, among other things, requiring the BFRA to be the sole holder of an insurance policy for the entire duration of their license, and to provide CDI with proof of coverage and notification of changes.
2. Clarifies that Bail Action Notices will not be considered effective until formally filed and acknowledged by CDI.
3. Copies existing conduct requirements in the Bail Fugitive Recovery Persons Act (PEN § 1299) into the Insurance Code and adds restrictions or prohibitions on physical force, coercive BFRA behavior and impersonating law enforcement or government agents.
4. Clarifies the grounds upon which CDI may suspend, deny, or revoke a BFRA License.

## **SUPPORT**

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California Department of Insurance (Sponsor)

## **CONTACT**

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Elise Borth | (916) 651-4033  
Senator Lena Gonzalez  
[Elise.Borth@sen.ca.gov](mailto:Elise.Borth@sen.ca.gov)

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<sup>1</sup> <https://www.kron4.com/news/bay-area/bounty-hunter-charged-with-murder-after-shooting-fugitive-newark-police/>