
Consumer Protection & Business Committee

SSB 5714

Brief Description: Declaring civil immigration enforcement as unprofessional conduct of bail bond recovery agents.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Trudeau, Torres, Hasegawa, Nobles, Valdez and Wilson, C.).

Brief Summary of Substitute Bill

- Makes it unprofessional conduct to use the position of a bail bond recovery agent to enforce a civil immigration warrant.
- Makes it unprofessional conduct for bail bond licensees to share a defendant's immigration status with anyone outside the bail bond agency's business.

Hearing Date: 3/18/25

Staff: Peter Clodfelter (786-7127).

Background:

Bail Bond Agencies, Bail Bond Agents, and Bail Bond Recovery Agents.

Bail bond agencies, bail bond agents, and bail bond recovery agents are licensed and regulated by the Department of Licensing (DOL). A bail bond agency is a business that sells and issues corporate surety bail bonds or that provides security in the form of personal or real property to ensure the appearance of a criminal defendant before Washington courts or federal courts.

Licenses exist for the bail bond agency and also for the following persons related to bail bond

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agencies:

- a bail bond agent, who is a person employed by a bail bond agency and engages in the sale or issuance of bail bonds, but does not include a clerical, secretarial, or other support person who does not participate in the sale or issuance of bail bonds; and
- a bail bond recovery agent, who is a person under contract with a bail bond agent to receive compensation, reward, or any other form of lawful consideration for locating, apprehending, and surrendering a fugitive criminal defendant for whom a bail bond has been posted, but does not include a general authority Washington peace officer or a limited authority Washington peace officer.

The following acts, conduct, or conditions, among others, constitute unprofessional conduct by licensees:

- violating statutory or administrative requirements or failing to meet qualifications;
- mishandling funds or other collateral, or failing to return collateral given as security to obtain a bail bond;
- failing to keep records or maintain a trust account;
- engaging in conduct in a bail bond transaction that demonstrates bad faith, dishonesty, or untrustworthiness;
- wearing, displaying, holding, or using badges not approved by the DOL;
- failing to carry a copy of the contract required by law for each criminal fugitive defendant or to present a copy of the contract when required by law;
- performing the functions of a bail bond recovery agent without exercising due care to protect the safety of persons other than the defendant and the property of persons other than the defendant; or
- using a dog in the apprehension of a fugitive criminal defendant.

Upon a finding of unprofessional conduct, the DOL may issue an order providing one or any combination of discipline including revocation or suspension of the license for an interval of time, restriction or limitation of the practice, completion of remedial education, monitoring of the practice, censure or reprimand, compliance with conditions of probation, or payment of a fine not to exceed \$5,000 per violation.

Civil Immigration Warrants.

A civil immigration warrant is a warrant for a violation of federal civil immigration law issued by a federal immigration authority. A civil immigration warrant includes, but is not limited to, administrative warrants issued on forms I-200 or I-203, or their successors, and civil immigration warrants entered in the National Crime Information Center Database. A civil immigration warrant authorizes federal immigration officers to arrest and take the identified individual into custody for removal proceedings.

Summary of Bill:

Using the position of a bail bond recovery agent to enforce a civil immigration warrant is added to the conduct, acts, or conditions constituting unprofessional conduct by bail bond licensees.

Additionally, failing to keep confidential by sharing a defendant's immigration status to anyone outside the bail bond agency's business is also added to the conduct, acts, or conditions constituting unprofessional conduct by bail bond licensees.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on March 13, 2025.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.