

SENATE BILL REPORT

SB 5714

As Reported by Senate Committee On:
Law & Justice, February 20, 2025

Title: An act relating to declaring civil immigration enforcement as unprofessional conduct of bail bond recovery agents.

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

Sponsors: Senators Trudeau, Torres, Hasegawa, Nobles, Valdez and Wilson, C..

Brief History:

Committee Activity: Law & Justice: 2/17/25, 2/20/25 [DPS, w/oRec].

Brief Summary of First Substitute Bill

- Makes changes to unprofessional conduct of bail bond agents and bail bond recovery agents.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5714 be substituted therefor, and the substitute bill do pass.

Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Holy, Ranking Member; Fortunato, Lovick, Salomon, Torres and Valdez.

Minority Report: That it be referred without recommendation.

Signed by Senator Wagoner.

Staff: Ryan Giannini (786-7285)

Background: Bail Bond Agents and Bail Bond Recovery Agents. Bail bond agencies, bail bond agents, and bail bond recovery agents must be licensed by the Department of

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Licensing (DOL). A bail bond agency is a business that sells and issues bonds, or provides security in the form of property, to ensure the appearance of a criminal defendant. A bail bond agent is an employee of a bail bond agency and a bail bond recovery agent works under contract with a bail bond agent to apprehend fugitive criminal defendants for whom a bail bond has been posted. Bail bond recovery agents are not considered law enforcement officers.

Bail bond agents and bail bond recovery agents are subject to discipline by DOL for unprofessional conduct. Behavior categorized as unprofessional conduct may be general across all business and profession licensees, such as unlicensed practice, misrepresentations, or criminal violations, or it may be specific to bail bond agents and bail bond recovery agents. Unprofessional conduct specific to bail bond agents and bail bond recovery agents include:

- failure to meet the qualifications of the license or comply with the profession's regulations and laws;
- mishandling funds or other collateral or improperly failing to return collateral;
- failing to keep records and maintain a trust account;
- any conduct in a bail bond transaction which demonstrates bad faith, dishonesty, or untrustworthiness;
- wearing badges or making statements to create the false impression that the bail bond agent is a sworn law enforcement officer;
- hiring or performing the functions of a bail bond recovery agent without proper licensing and contracts or without adequate care for the safety or property of persons other than the defendant; or
- using a dog in the apprehension of a fugitive criminal defendant.

Unprofessional conduct may be disciplined through an order by DOL's disciplinary authority requiring revocation or suspension of the license, restriction of practice, a program of education or treatment, censure, probation, denial of license renewal, a fine of up to \$5,000 per violation, or other corrective action.

Civil Immigration Warrants. A civil immigration warrant is any warrant issued by a federal immigration authority for a violation of federal civil immigration law. 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.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (First Substitute): It is considered unprofessional conduct for a bail bond agent or bail bond recovery agent to:

- use a bail bond recovery agent's position to enforce a civil immigration warrant; or
- fail to keep confidential by sharing a defendant's immigration status to anyone outside the bail bond agency's business.

EFFECT OF CHANGES MADE BY LAW & JUSTICE COMMITTEE (First Substitute):

- Amends the title.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Proposed Substitute: *The committee recommended a different version of the bill than what was heard.* PRO: This bill clarifies that bail bond agents cannot engage in civil immigration enforcement or share immigration status outside the bail bond company. Bail bond agents are within the purview of Washington licensure requirements. Sharing information with federal immigration officials is not within the bounds of this profession. The state will not tolerate any violation of state law or policy that protect Washington residents from inappropriate communication with federal immigration officials that may cause fear among immigrant families, asylum seekers, and mixed status families. The bail bond process should not impose barriers to access courts. This bill closes a loophole in protecting access to courts for clients and defendants.

CON: Those who legally immigrated want enforcement of the borders and do not want people coming into the country illegally. This causes delays for other families who are immigrating legally and causes resentment. State legislation should align with the national U.S. Constitution. People's confidential information should be protected. ICE should not be hindered. Federal immigration reform is necessary. Bail bond agents should not be running amok.

Persons Testifying: PRO: Senator Yasmin Trudeau, Prime Sponsor; Jason Lantz, Washington Association of Criminal Defense Lawyers and Washington Defender Association; Kristin Ang, Faith Action Network (FAN).

CON: Theresa Plue.

Persons Signed In To Testify But Not Testifying: No one.