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**AB-1347 Bail: premiums.** (2021-2022)

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**Assembly Bill No. 1347**

**CHAPTER 444**

An act to add Section 1276.1 to the Penal Code, relating to bail.

[ Approved by Governor October 01, 2021. Filed with Secretary of State October 01, 2021. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 1347, Jones-Sawyer. Bail: premiums.

Existing law provides for the procedure of approving and accepting bail, and issuing an order for the appearance and release of an arrested person. Existing law generally regulates the undertaking of bail and the licensing of bail agents and bail solicitors by the Insurance Commissioner.

This bill would, on and after January 1, 2022, prohibit an insurer, bail agent, or other bail licensee from entering into a contract, agreement, or undertaking of bail that requires the payment of more than one premium for the duration of the agreement, and would require the duration of the agreement to be until bail is exonerated. The bill would additionally prohibit an insurer, bail agent, or other bail licensee from charging, collecting, or receiving a renewal premium in connection with a contract, agreement, or undertaking of bail after that date. The bill would also make these prohibitions apply to an insurer or insurance licensee with regard to immigration bonds on and after July 1, 2022. The bill would additionally make an insurer, insurance licensee, bail agent, or other bail licensee liable to the person affected by a violation of these provisions for all damages that person sustains plus \$3,000 in statutory damages, and court costs and reasonable attorney's fees, as specified. The bill would state that its provisions are severable.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** Section 1276.1 is added to the Penal Code, to read:

**1276.1.** (a) On and after January 1, 2022, 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. On and after January 1, 2022, 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.

(b) On and after July 1, 2022, no insurer or insurance licensee shall enter into a contract, agreement, or undertaking to post an immigration bond that requires the payment of more than one premium for the duration of the agreement, and the duration of the agreement shall be until the bond is exonerated. An insurer or insurance licensee shall not charge, collect, or receive a renewal premium in connection with a contract, agreement, or undertaking to post an immigration bond entered into on and after July 1, 2022.

(c) The violation of this section by an insurer, insurance licensee, bail agent, or other bail licensee shall make the violator liable to the person affected by the violation for all damages that person may sustain by reason of the violation plus statutory damages in the sum of three thousand dollars (\$3,000). Any person affected by a violation of this section shall be entitled, if they prevail, to recover court costs and reasonable attorney's fees as determined by the court in any action brought to enforce this section.

**SEC. 2.** The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.