



COLORADO

**Department of
Regulatory Agencies**

Colorado Office of Policy, Research &
Regulatory Reform

2025 Sunset Review

Cash and Professional Cash Bail
Bonding



October 15, 2025



COLORADO

Department of
Regulatory Agencies

Executive Director's Office

October 15, 2025

Members of the Colorado General Assembly
c/o the Office of Legislative Legal Services
State Capitol Building
Denver, Colorado 80203

Dear Members of the General Assembly:

The Colorado General Assembly established the sunset review process in 1976 as a way to analyze and evaluate regulatory programs and determine the least restrictive regulation consistent with the public interest. Pursuant to section 24-34-104(5)(a), Colorado Revised Statutes (C.R.S.), the Colorado Office of Policy, Research and Regulatory Reform (COPRRR) at the Department of Regulatory Agencies (DORA) undertakes a robust review process culminating in the release of multiple reports each year on October 15.

A national leader in regulatory reform, COPRRR takes the vision of their office, DORA and more broadly of our state government seriously. Specifically, COPRRR contributes to the strong economic landscape in Colorado by ensuring that we have thoughtful, efficient, and inclusive regulations that reduce barriers to entry into various professions and that open doors of opportunity for all Coloradans.

As part of this year's review, COPRRR has completed an evaluation of the cash-bonding and professional cash-bail agent's statute. I am pleased to submit this written report, which will be the basis for COPRRR's oral testimony before the 2026 legislative committee of reference.

The report discusses the question of whether there is a need for the regulation provided under Article 23 of Title 10, C.R.S. The report also discusses the effectiveness of the Commissioner of Insurance and the Division of Insurance in carrying out the intent of the statutes and makes recommendations for statutory changes for the review and discussion of the General Assembly.

To learn more about the sunset review process, among COPRRR's other functions, visit coprrr.colorado.gov.

Sincerely,

Patty Salazar
Executive Director





Cash and Professional Cash Bail Bonding

Background

What is regulated?

The statute provides regulatory oversight of cash-bonding and professional cash-bail agents (collectively referred to as “bail bonding agents”). Cash-bonding agents are authorized to write an unlimited amount of bail to an unlimited number of clients. Professional cash-bail agents are authorized to write bail for not more than twice the amount of the qualification bond filed with the Division.

Why is it regulated?

Regulating bail bonding agents serves two important functions. First, it ensures that bail bonding agents have fulfilled the minimum statutory requirements to practice in Colorado, including posting a \$50,000 cash qualification bond with the Division of Insurance (Division). The purpose of the cash qualification bond is to pay the court the amount of bail established in order to be released from custody if a defendant fails to attend his or her court proceedings. Regulating bail bonding agents also provides protection to consumers by limiting the fees bail bonding agents can charge. In fact, the statute prohibits bail bonding agents from charging fees of more than 15 percent (a minimum of \$50) of the amount of bail furnished.

Who is regulated?

In fiscal year 23-24, there were 3 registered cash-bonding agents and 19 registered professional cash-bail agents.

How is it regulated?

The statute is enforced by the Commissioner of Insurance (Commissioner). The Commissioner is responsible for, among other things, imposing discipline on registrants.

What does it cost?

In fiscal year 23-24, the total expenditures for the oversight of bail bonding agents were \$68,381. There were 0.45 full-time equivalent employees associated with this regulatory oversight.

What disciplinary activity is there?

In the past five fiscal years, the Commissioner issued five letters of admonition to registrants. Generally, bail bonding agents are disciplined for failing to comply with existing laws and failing to use the cash qualification bond for a forfeiture of bail.

Key Recommendations

- Continue the regulation of cash-bonding and professional cash-bail agents for 13 years, until 2039.

Table of Contents

Background	2
Sunset Criteria.....	2
Sunset Process	4
Methodology	5
Profile of the Profession	6
Legal Framework.....	9
History of Regulation	9
Legal Summary	10
Program Description and Administration	14
Registrations	15
Complaints	16
Disciplinary Activity.....	17
Collateral Consequences - Criminal Convictions.....	18
Analysis and Recommendations.....	19
Recommendation 1 – Continue the regulation of cash-bonding and professional cash-bail agents for 13 years, until 2039.	19

Background

Sunset Criteria

Enacted in 1976, Colorado's sunset law was the first of its kind in the United States. A sunset provision repeals all or part of a law after a specific date, unless the legislature affirmatively acts to extend it. During the sunset review process, the Colorado Office of Policy, Research and Regulatory Reform (COPRRR) within the Department of Regulatory Agencies (DORA) conducts a thorough evaluation of such programs based upon specific statutory criteria¹ and solicits diverse input from a broad spectrum of stakeholders including consumers, government agencies, public advocacy groups, and professional associations.

Sunset reviews are guided by statutory criteria and sunset reports are organized so that a reader may consider these criteria while reading. While not all criteria are applicable to all sunset reviews, the various sections of a sunset report generally call attention to the relevant criteria. For example,

- In order to address the first criterion and determine whether the program under review is necessary to protect the public, it is necessary to understand the details of the profession or industry at issue. The Profile section of a sunset report typically describes the profession or industry at issue and addresses the current environment, which may include economic data, to aid in this analysis.
- To address the second sunset criterion--whether conditions that led to the initial creation of the program have changed--the History of Regulation section of a sunset report explores any relevant changes that have occurred over time in the regulatory environment. The remainder of the Legal Framework section addresses the fifth sunset criterion by summarizing the organic statute and rules of the program, as well as relevant federal, state and local laws to aid in the exploration of whether the program's operations are impeded or enhanced by existing statutes or rules.
- The Program Description section of a sunset report addresses several of the sunset criteria, including those inquiring whether the agency operates in the public interest and whether its operations are impeded or enhanced by existing statutes, rules, procedures and practices; whether the agency or the agency's board performs efficiently and effectively and whether the board, if applicable, represents the public interest.
- The Analysis and Recommendations section of a sunset report, while generally applying multiple criteria, is specifically designed in response to the fourteenth criterion, which asks whether administrative or statutory changes are necessary to improve agency operations to enhance the public interest.

¹ Criteria may be found at § 24-34-104, C.R.S.

These are but a few examples of how the various sections of a sunset report provide the information and, where appropriate, analysis required by the sunset criteria. Just as not all criteria are applicable to every sunset review, not all criteria are specifically highlighted as they are applied throughout a sunset review. While not necessarily exhaustive, the table below indicates where these criteria are applied in this sunset report.

Table 1
Application of Sunset Criteria

Sunset Criteria	Where <u>Applied</u>
(I) Whether regulation or program administration by the agency is necessary to protect the public health, safety, and welfare.	• Profile of the Profession • History of Regulation • Recommendation 1
(II) Whether the conditions that led to the initial creation of the program have changed and whether other conditions have arisen that would warrant more, less, or the same degree of governmental oversight.	• History of Regulation
(III) If the program is necessary, whether the existing statutes and regulations establish the least restrictive form of governmental oversight consistent with the public interest, considering other available regulatory mechanisms.	• Legal Framework
(IV) If the program is necessary, whether agency rules enhance the public interest and are within the scope of legislative intent.	• Legal Framework
(V) Whether the agency operates in the public interest and whether its operation is impeded or enhanced by existing statutes, rules, procedures, and practices and any other circumstances, including budgetary, resource, and personnel matters.	• Legal Framework • Program Description and Administration
(VI) Whether an analysis of agency operations indicates that the agency or the agency's board or commission performs its statutory duties efficiently and effectively.	• Program Description and Administration
(VII) Whether the composition of the agency's board or commission adequately represents the public interest and whether the agency encourages public participation in its decisions rather than participation only by the people it regulates.	• Not Applicable
(VIII) Whether regulatory oversight can be achieved through a director model.	• Program Description and Administration
(IX) The economic impact of the program and, if national economic information is not available, whether the agency stimulates or restricts competition.	• Profile of the Profession

Sunset Criteria	Where <u>Applied</u>
(X) If reviewing a regulatory program, whether complaint, investigation, and disciplinary procedures adequately protect the public and whether final dispositions of complaints are in the public interest or self-serving to the profession or regulated entity.	Program Description and Administration
(XI) If reviewing a regulatory program, whether the scope of practice of the regulated occupation contributes to the optimum use of personnel.	Program Description and Administration
(XII) Whether entry requirements encourage equity, diversity, and inclusivity.	Program Description and Administration
(XIII) If reviewing a regulatory program, whether the agency, through its licensing, certification, or registration process, imposes any sanctions or disqualifications on applicants based on past criminal history and, if so, whether the sanctions or disqualifications serve public safety or commercial or consumer protection interests. To assist in considering this factor, the analysis prepared pursuant to subsection (5)(a) of this section must include data on the number of licenses, certifications, or registrations that the agency denied based on the applicant's criminal history, the number of conditional licenses, certifications, or registrations issued based upon the applicant's criminal history, and the number of licenses, certifications, or registrations revoked or suspended based on an individual's criminal conduct. For each set of data, the analysis must include the criminal offenses that led to the sanction or disqualification.	Collateral Consequences
(XIV) Whether administrative and statutory changes are necessary to improve agency operations to enhance the public interest.	Recommendation 1

Sunset Process

Regulatory programs scheduled for sunset review receive a comprehensive analysis. The review includes a thorough dialogue with agency officials, representatives of the regulated profession and other stakeholders. Anyone can submit input on any upcoming sunrise or sunset review on COPRRR's website at coprrr.colorado.gov.

The functions of the cash-bonding and professional cash-bail agent's statute and the Commissioner of Insurance (Commissioner), as enumerated in Article 23 of Title 10, Colorado Revised Statutes (C.R.S.), shall terminate on September 1, 2026, unless continued by the General Assembly. During the year prior to this date, it is the duty of COPRRR to conduct an analysis and evaluation of the cash-bonding and professional cash-bail agent's statute pursuant to section 24-34-104, C.R.S.

The purpose of this review is to determine whether the currently prescribed regulation

should be continued and to evaluate the performance of the Commissioner. During this review, the Commissioner must demonstrate that the program serves the public interest. COPRRR's findings and recommendations are submitted via this report to the Office of Legislative Legal Services.

Methodology

As part of this review, COPRRR staff interviewed Division of Insurance staff, cash-bonding and professional cash-bail agent practitioners, and officials with state and national professional associations; and reviewed Colorado statutes and rules.

The major contacts made during this review include, but are not limited to:

- Division of Insurance
- Colorado Bar Association
- Colorado Trial Lawyers Association
- Dennis Blackwell Bail Bonds
- Express Bail Bonds
- Bail City Bail Bonds

Profile of the Profession

In a sunset review, the Colorado Office of Policy, Research and Regulatory Reform (COPRRR) is guided by the sunset criteria located in section 24-34-104(6)(b), C.R.S. The first criterion asks whether regulation or program administration by the agency is necessary to protect the public health, safety, and welfare.

To understand the need for regulation, it is first necessary to recognize what the profession does, where they work, who they serve and any necessary qualifications.

The ninth sunset criterion questions the economic impact of the program and, if national economic information is not available, whether the agency stimulates or restricts competition.

Bail is the amount of money or property that a defendant must pledge to the court as security for their appearance at future court proceedings.² Bail is determined by the court using several factors, such as:³

- The severity of the alleged crime;
- The defendant's criminal history;
- The nature and extent of any ties, such as family or employment, that the accused has to the community where they will be prosecuted;
- The defendant's ability to pay the given amount; and
- The likelihood the accused will flee the jurisdiction if released from custody.

Setting bail unreasonably high could unnecessarily restrict a defendant's freedom when the defendant has only been accused of a crime, and it could prevent the accused from being able to pursue a living, including supporting their family.⁴

If, however, the defendant fails to appear in court as scheduled during prosecution, the defendant forfeits the bail amount and still faces criminal penalties if convicted of the offense(s) charged.⁵

There are three types of bail bonding professionals: cash-bonding, professional cash-bail and surety agents. Cash-bonding and professional cash-bail agents are the focus of this sunset review. Cash-bonding agents are authorized to write an unlimited amount

² The Bail Project. *Bail vs. Bond: Is there a difference?* Retrieved August 31, 2025, from <https://bailproject.org/learn/bail-vs-bond-is-there-a-difference/>

³ Roth Davies, LLC. *What are the Factors that a Judge Looks at When Determining Bail Amount?* Retrieved August 31, 2025, from <https://www.rothdavies.com/criminal-defense/frequently-asked-questions-about-criminal-defense/bond/what-are-the-factors-that-a-judge-looks-at-when-determining-bail-amount/>

⁴ Mike's Bail Bonds. *What Happens When Bail is Set too High?* Retrieved August 31, 2025, from <https://www.mikesctbailbonds.com/what-happens-when-bail-is-set-too-high>

⁵ H. Micheal Steinberg. *Understanding the Crime of a Violation of Colorado's Bail Bond Law.* Retrieved August 31, 2025, from <https://www.hmichaelsteinberg.com/faqs/understanding-the-crime-of-a-violation-of-colorados-bail-bond/>

of bail for an unlimited number of defendants. The Commissioner of Insurance (Commissioner) no longer issues new registrations for cash-bonding agents.

Cash-bonding agents are required to post a minimum of \$50,000 cash qualification bond with the Division of Insurance (Division). The Division must be designated as an authorized signatory with right of survivorship on financial instruments such as, a bank account, certificate of deposit, or security that funds the cash qualification bond.⁶ The purpose of the cash qualification bond is to pay the court the amount of bail established in order to be released from custody if a defendant fails to attend their court proceedings.

There are only three registered cash-bonding agents registered in Colorado, and this type of registration will be eliminated through attrition.

Professional cash-bail agents, on the other hand, are authorized to write bail for not more than twice the amount of the qualification bond filed with the Division. The limitation applies to each bond posted. The minimum amount of the qualification bond is also \$50,000.⁷ So, a professional cash-bail agent who has a \$50,000 qualification bond filed with the Division can only write a bond to a court if the bail is \$100,000 or less. However, professional-cash bail agents can write bail for an unlimited number of defendants.

In this report, when referring to both cash-bonding and professional cash-bail agents they will be collectively referred to as “bail bonding agents.”

Surety bail agents contract with insurance companies to provide bail services, and they are included in the sunset review of the Division, which is scheduled to take place in 2029. Hence, they are not discussed in this report.

If a person is taken into police custody and arrested, they are “booked” or “processed” into jail. During booking, officers will:⁸

- Record personal information (including name, date of birth and physical characteristics);
- Record information about the alleged crime committed;
- Record the defendant’s fingerprints and photograph;
- Check the criminal background of the defendant;
- Search the person and confiscate any personal property (e.g., keys and cell phones); and
- Place the person in a police station holding cell or local jail.

⁶ §§ 10-23-105(1) and (3), C.R.S.

⁷ § 10-23-105(2), C.R.S.

⁸ Find Law. *Bail and Bonds*. Retrieved August 31, 2025, from <https://www.findlaw.com/criminal/criminal-procedure/booking.html>

In cases where the court determines that bail is required to ensure that the accused appears in court for all of their criminal proceedings, the court will have a bail hearing.⁹ This is where the bail amount is established by the court.

Once the bail amount is established, the accused may choose to pay the entire bail amount. For example, if the amount of bail is \$1,000, the accused can pay the entire amount, plus any applicable fees, to be released from custody.

The accused, however, will oftentimes utilize a bail bonding agent to pay and ensure bond to the court. That is, the bail bonding agent agrees to pay the amount of the bond to the court if the defendant fails to appear at court proceedings.¹⁰

Bail bonding agents are authorized to charge a premium or commission of up to 15 percent of the amount of bail furnished to the court, with a minimum of \$50. For example, a defendant who has their bail amount established by a court for \$10,000, enables the bail bonding agent to charge a premium or commission to the defendant of up to \$1,500.

As Table 2 illustrates, the amount of bail written by bail bonding agents has decreased in the past five years. However, as the numbers suggest, bail bonding agents still write a relatively large, in terms of dollars, amount of bail in Colorado.

Table 2
Total Amount of Bail Written by Bail Bonding Agents in the Past Five Calendar Years

Calendar Year	Total Amount of Bail Written
2020	\$51,715,941
2021	\$50,304,777
2022	\$43,138,214
2023	\$37,876,977
2024	\$38,517,126

Bail bonding agents' amount of bonds written has continued to decline in the past five calendar years. There are numerous explanations for the decrease, including courts offering defendants their release on a personal recognizance bond, which essentially enables a defendant to be released from custody without posting a bond with the court. If the defendant fails to appear for their required court dates, the defendant, when apprehended, is then required to pay the bail amount to the court.

⁹ Find Law. *Bail and Bonds*. Retrieved August 31, 2025, from <http://criminal.findlaw.com/criminal-legal-help/bail-bonds.html>

¹⁰ Find Law. *Bail and Bonds*. Retrieved August 31, 2025, from <https://www.findlaw.com/criminal/criminal-legal-help/bail-bonds.html>

Legal Framework

History of Regulation

In a sunset review, the Colorado Office of Policy, Research and Regulatory Reform (COPRRR) is guided by the sunset criteria located in section 24-34-104(6)(b), Colorado Revised Statutes (C.R.S.). The first and second sunset criteria question:

Whether regulation or program administration by the agency is necessary to protect the public health, safety, and welfare; and

Whether the conditions that led to the initial creation of the program have changed and whether other conditions have arisen that would warrant more, less or the same degree of governmental oversight.

One way that COPRRR addresses this is by examining why the program was established and how it has evolved over time.

The bail industry has been regulated in Colorado since 1963. The initial law creating the regulation of bail bonding agents required any person who furnished bail in five or more criminal cases in counties with a population of more than 50,000 to be licensed.

Importantly, House Bill 13-1236 was enacted by the General Assembly. House Bill 13-1236 altered how judges administered bail in Colorado, emphasizing pretrial release for defendants on personal recognizance bonds.

Since the inception of regulatory oversight of bail bonding agents, there have been many changes implemented. The COPRRR sunset reviews of the bail industry have facilitated many of the changes. COPRRR has conducted numerous sunset reviews, including reviews in 1992, 1995, 2003, 2011 and 2016. Examples of recommendations are highlighted below:

- The 1992 sunset review recommended that the Division should have priority over bail bonding agents' cash qualification bonds. This recommendation was enacted by the General Assembly.
- The 2003 sunset review included a recommendation to require bail bonding agents to submit rate filings (the amount bail bonding agents charge consumers) annually with the Division. This recommendation was enacted by the General Assembly.
- The 2016 sunset review included a recommendation to authorize the Commissioner of Insurance (Commissioner) to release a deed of trust of a bail bonding agent who refuses or is unable to release the lien. This recommendation was also enacted by the General Assembly.

Legal Summary

The third, fourth, and fifth sunset criteria question:

Whether the existing statutes and regulations establish the least restrictive form of governmental oversight consistent with the public interest, considering other available regulatory mechanisms;

Whether agency rules enhance the public interest and are within the scope of legislative intent; and

Whether the agency operates in the public interest and whether its operation is impeded or enhanced by existing statutes, rules, procedures, and practices and any other circumstances, including budgetary, resource, and personnel matters.

A summary of the current statutes and rules is necessary to understand whether regulation is set at the appropriate level and whether the current laws are impeding or enhancing the agency's ability to operate in the public interest.

The regulation of cash-bonding agents and professional cash-bail agents, collectively referred to as bail bonding agents, is created in section 10-23-101, *et seq.*, C.R.S.

Cash-bail agents are authorized to write an unlimited number of bonds and an unlimited amount of bail in Colorado. However, the statute does not allow for new cash-bail agents. Currently, there are only three cash-bail agents in Colorado, and this type of bail bonding agent will be eliminated through attrition.

Although the Division no longer issues cash-bonding agent registrations, practitioners who possess this registration are required to post a cash qualification bond with the Division of at least \$50,000. The purpose of a cash qualification bond is to secure payment of defaulted bonds (if a defendant fails to appear in court) and to pay any final, non-appealable judgment for failure to return collateral, including costs and attorney's fees, if awarded.¹¹

The Division must be designated as an authorized signatory with right of survivorship on financial instruments such as a bank account, certificate of deposit, or security that funds the cash qualification bond.¹²

Additionally, professional cash-bail agents are also required to post a qualification bond with the Division of at least \$50,000. Professional cash-bail agents are authorized to provide bail for a person for not more than twice the amount of the cash qualification

¹¹ 3 CCR § 7-1-2(2), Cash-Bonding and Professional Cash-Bail Agent Cash Qualification Bond Requirements and Provisional for Release of Qualification Bond.

¹² § 10-23-105(3), C.R.S.

bond posted with the Division.¹³ For example, professional cash-bail agents who post a \$50,000 cash qualification bond, which is the required minimum, with the Division are able to write a bond of up to \$100,000 for an individual. However, the statute does not limit the number of bail bonds professional cash-bail agents can furnish.

If default judgment of a bond occurs (the defendant fails to appear in court as required), the bail bonding agent has 120 days to either pay the court the entire bond amount or produce the defendant. After 120 days, the bail bonding agent is placed “on the board,” which essentially means that they cannot write any bail until the judgment is satisfied with the court. If, after 120 days, the bail bonding agent fails to produce either, the court sends a “notice” to the Division informing it that the bail bonding agent is out of compliance with the laws. Upon receiving the notice, the Division may initiate the process to utilize the cash qualification bond for payment to the court and initiate formal discipline upon the practitioner.

Prior to writing bail, professional cash-bail agents are required to obtain a registration from the Division. In order to qualify for a bail bonding agent registration, an applicant must:¹⁴

- Disclose whether they have been convicted of a felony, entered a guilty plea to a felony, had accepted a plea of *nolo contendere* to a felony or engaged in or committed an act that violates the statute within the previous 10 years;
- Supply a full-face photograph;
- Submit to a fingerprint-based criminal history background check; and
- Have been licensed as an insurance producer who furnishes bail in Colorado for at least four years.

Bail bonding agents are also required to provide an annual Premium Fee Statement to the Division.

Bail bonding agents may provide an indemnity agreement to consumers who utilize their services.

The indemnity agreement must be in writing, signed by the bail bond agent and defendant, and contain documentation that the indemnitor received copies of the signed and dated disclosure.¹⁵ Additional information includes:¹⁶

- The amount of bail set in the case,
- The name of the defendant,
- The court case number (if available),
- The court where the bond is executed,

¹³ § 10-23-105(2), C.R.S.

¹⁴ §§ 10-23-103(1)(a),(b), (2) and (3), C.R.S.

¹⁵ § 10-23-108(1)(a), C.R.S.

¹⁶ § 10-23-108(1)(a)(IV), C.R.S.

-
- The premium charged,
 - The amount and type of collateral held by the bail bonding agent, and
 - Conditions under which the collateral will be returned.

If collateral is used, bail bonding agents are also required to provide the defendant a collateral receipt. A collateral receipt must be in writing; be signed by the bail bonding agent and the defendant; be prenumbered and contain a full description of the collateral, including its condition; and include the following:¹⁷

- The amount of bail set in the case,
- The name of the defendant,
- The court case number,
- The court where the bond is executed,
- The premium charged,
- The amount and type of collateral held by the agent, and
- The conditions under which the collateral is returned.

The Commissioner may deny, suspend, revoke or refuse to renew a registration if a bail bonding agent:

- Failed to post the required qualification bond with the Division;
- Knowingly failed to comply with or knowingly violated the statute or rules;
- Was convicted of a felony or pled guilty or *nolo contendere* to a felony within the past 10 years;
- Served a sentence for a felony in a detention facility or under the supervision of the State Parole Board or any probation department in the past 10 years;
- Continued to execute bail in any court in Colorado while on the board if the bail forfeiture judgment that resulted in the registrant's being placed on the board has not been paid, stayed, vacated, exonerated or discharged;
- Furnished bail in any court in Colorado in an amount greater than twice the amount of the professional cash-bail agent's bond posted with the Division;
- Solicited bail bond business where prisoners are confined, arraigned or in custody; or
- Failed to pay a final, non-appealable judgement award for failure to return or repay collateral received to secure a bond.

Generally, the Commissioner has fining authority for violations of the statute or applicable rules. The minimum fine is \$300 and the maximum fine is \$1,000 per violation.¹⁸

The Commissioner is also authorized to issue a cease and desist order when a registrant is acting in a manner that is an imminent threat to the health and safety of the public.

¹⁷ § 10-23-108(1)(c), C.R.S.

¹⁸ § 10-23-106(2), C.R.S.

Cease and desist orders may also be issued if a person is conducting business without the required registration.¹⁹

¹⁹ § 10-23-106(10)(a), C.R.S.

Program Description and Administration

In a sunset review, the Colorado Office of Policy, Research and Regulatory Reform (COPRRR) is guided by sunset criteria located in section 24-34-104(6)(b), Colorado Revised Statutes (C.R.S.). The fifth and sixth sunset criteria question:

Whether the agency operates in the public interest and whether its operation is impeded or enhanced by existing statutes, rules, procedures, and practices and any other circumstances, including budgetary, resource, and personnel matters; and

Whether an analysis of agency operations indicates that the agency or the agency's board or commission performs its statutory duties efficiently and effectively.

In part, COPRRR utilizes this section of the report to evaluate the agency according to these criteria.

The regulation of cash-bonding agents and professional cash-bail agents (collectively referred to as bail bonding agents) is created in section 10-23-101, *et seq.*, C.R.S.

Regulatory oversight for bail bonding agents is vested with the Commissioner of Insurance (Commissioner) who is responsible for, among other things, rulemaking and imposing discipline on practitioners for violations of the statute and applicable rules.

The Division of Insurance (Division) staff is tasked with a variety of administrative functions related to the regulation of bail bonding agents. Duties include, but are not limited to issuing registrations, researching complaints and providing support for the Commissioner.

In fiscal year 24-25, the Commissioner devoted 0.45 full-time equivalent (FTE) employees to provide regulatory oversight of bail bonding agents. The FTE allocated for the oversight are as follows:

- Administrative Assistant III - provides administrative support to the producer licensing and enforcement team.
- Administrator III - processes registration information for the bail bonding program.
- Criminal Investigator II - reviews complaints and conducts investigations, conducts qualification bond audits, provides outreach and responds for general inquiries related to the bail bonding program.
- Rate/Financial Analyst IV - manages producers' registration and enforcement unit operations related to bail bonding agents.

Table 3 highlights the total program expenditures for the regulation of bail bonding agents in fiscal years 19-20 through 23-24.

Table 3
Total Program Expenditures in Fiscal Years 19-20 through 23-24

Fiscal Year	Total Program Expenditures	FTE
19-20	\$49,330	0.45
20-21	\$51,631	0.45
21-22	\$50,695	0.45
22-23	\$86,422	0.45
23-24	\$68,381	0.45

As highlighted in Table 3, there was an increase in expenditures in fiscal year 22-23, which is attributable to the increased utilization of legal resources concerning bail bonding agents who violated the statute.

Registrations

The eleventh and twelfth sunset criteria question whether the scope of practice of the regulated occupation contributes to the optimum use of personnel and whether entry requirements encourage equity, diversity and inclusivity.

In part, COPRRR utilizes this section of the report to evaluate the program according to these criteria.

The statute requires bail bonding agents to obtain a registration from the Commissioner prior to providing services to consumers. In order to be eligible to obtain a registration, an applicant, among other things, is required to obtain a cash qualification bond of at least \$50,000. Additionally, the Division must be designated as an authorized signatory with right of survivorship. The cash qualification bond is used when a forfeiture of bail occurs. Most often, the forfeiture occurs when a defendant fails to appear in court for their scheduled court date(s). The cash qualification bond is also used to pay any final, non-appealable judgment for failure to return collateral, including costs and attorney's fees, if awarded.

Applicants are also required to submit to a fingerprint-based criminal history background check and pay the applicable fee. Currently the initial registration fee is \$183, and the renewal fee is \$183. The initial fee for registration applies to professional cash-bonding agents only because the cash-bonding registration is no longer available. That is, there are currently three cash-bonding agents and this type of registration will be eliminated through attrition.

Bail bonding agents are also required to provide an annual Premium Fee Statement to the Division.

Table 4 illustrates the total number of registered bail bonding agents in fiscal years 19-20 through 23-24.

Table 4
Total Number of Bail Bonding Agents in Fiscal Years 19-20 through 23-24

Fiscal Year	Total
19-20	28
20-21	27
21-22	25
22-23	25
23-24	22

As Table 4 indicates, the total number of bail bonding agents has declined from fiscal year 19-20 to 23-24. The decline is attributable to the decrease in the number of cash-bonding agents. Essentially, some cash bonding agents have left the profession, and the statute prohibits any new registrations.

Complaints

The eighth and tenth sunset criteria require COPRRR to examine whether regulatory oversight can be achieved through a director model, and whether complaint, investigation and disciplinary procedures adequately protect the public and whether final dispositions of complaints are in the public interest or self-serving to the profession or regulated entity.

In part, COPRRR utilizes this section of the report to evaluate the program according to these criteria.

In the past five fiscal years, the Division has received complaints concerning bail bonding agents. Table 5 highlights the total number of complaints to the Division, as well as the nature of complaints in fiscal years 19-20 through 23-24.

Table 5
Number of Allegations and Complaints in Fiscal Years 19-20 through 23-24

Nature of Allegations	FY 19-20	FY 20-21	FY 21-22	FY 22-23	FY 23-24
Practicing without a Registration	0	0	0	0	0
Scope of Practice	0	0	0	0	0
Sexual Misconduct	0	0	0	1	0
Theft	0	0	0	0	0
Felony Conviction	0	0	0	0	0
Business Practices	1	4	1	3	2
Bail Bond Forfeiture Notices	2	0	3	12	12
Failure to File Premium Statement	0	0	1	0	0
Other	0	0	1	0	0
Total Number of Complaints	3	4	6	16	14

As Table 5 indicates, the “Bail Bond Forfeiture Notices” category received the most complaints in the past five fiscal years. A bail bond forfeiture notice is a notice informing the Division of a bail bond posted by a bail bonding agent in which a bail bond forfeiture judgement occurred.

Disciplinary Activity

The tenth sunset criterion requires COPRRR to examine whether complaint, investigation and disciplinary procedures adequately protect the public and whether final dispositions of complaints are in the public interest or self-serving to the profession or regulated entity.

In part, COPRRR utilizes this section of the report to evaluate the program according to this criterion.

When a violation occurs, the Commissioner may take disciplinary action against a bail bonding agent. Professional cash-bail agents received the majority of disciplinary actions imposed.

The Commissioner issued five Letters of Admonition to registrants in the past five fiscal years. The types of violations resulting in discipline in this category varied, but the most common were for bail bonding agents failing to comply with existing laws and failing to use their cash qualification bond for a forfeiture of bail.

The Commissioner is authorized to impose fines on bail bonding agents for violations of the statute or applicable rules. There were no fines imposed on bail bonding agents in the past five fiscal years.

Collateral Consequences - Criminal Convictions

The thirteenth sunset criterion requires COPRRR to examine whether the agency, through its licensing, certification or registration process, imposes any sanctions or disqualifications on applicants based on past criminal history and, if so, whether the sanctions or disqualifications serve public safety or commercial or consumer protection interests.

COPRRR utilizes this section of the report to evaluate the program according to this criterion.

The Commissioner has the authority, under section 10-23-106(1)(d), C.R.S., to deny, suspend, or revoke a bail bonding agent's registration if the practitioner was convicted of a felony or pled guilty or *nolo contendere* to a felony within the past 10 years. During the past five fiscal years, the Commissioner did not deny, revoke or suspend any bail bonding agents' registrations based on past criminal history.

Analysis and Recommendations

The final sunset criterion questions whether administrative and statutory changes are necessary to improve agency operations to enhance the public interest. The recommendation that follows is offered in consideration of this criterion, in general, and any criteria specifically referenced in this recommendation.

Recommendation 1 – Continue the regulation of cash-bonding and professional cash-bail agents for 13 years, until 2039.

When a person is arrested for a crime, the court may set a specific amount of bail for the defendant to satisfy in order to obtain their release from custody. Courts often allow defendants to be released from custody on a personal recognizance bond, which essentially enables a defendant to be released from custody without posting a bond with the court. If the defendant fails to appear for their required court dates, the defendant, when apprehended, is then required to pay the bail amount to the court.

Specifically, in cases where the court determines that bail is required to ensure that the accused appears in court for all of their criminal proceedings, the court will have a bail hearing.²⁰ The bail amount is established by the court during a bail hearing.

Bail is the amount of money or property that a defendant must pledge to the court as security for their appearance at court proceedings.²¹

There are three types of bail bonding professionals who are regulated in Colorado: cash-bonding, professional cash-bail and surety agents. This sunset review focuses on cash-bonding and professional cash-bail agents only (collectively referred to as “bail bonding agents”).

Since surety bail agents are connected to insurance companies and are required to possess an insurance producer’s license prior to providing bail, they are included in the sunset review of the Division of Insurance (Division).

Bail bonding agents are required to secure a registration from the Commissioner of Insurance (Commissioner) prior to providing services. Cash-bonding agents are authorized to write an unlimited amount of bail to an unlimited number of clients. However, in 1999, via House Bill 1329, the General Assembly instituted a new bail bond agent classification: professional cash-bail agent. As a result, new cash-bonding agent registrations are not available. Current registrants are permitted to practice in Colorado and the registration classification will be eliminated through attrition.

²⁰ Find Law. *Bail and Bonds*. Retrieved August 31, 2025, from <http://criminal.findlaw.com/criminal-legal-help/bail-bonds.html>

²¹ The Bail Project. *Bail vs. Bond: Is there a difference?* Retrieved August 31, 2025, from <https://bailproject.org/learn/bail-vs-bond-is-there-a-difference/>

Securing a registration from the Commissioner serves several important functions. First, it ensures that bail bonding agents have fulfilled the minimum statutory requirements to practice in Colorado. This provides assurance to the court that if a defendant fails to appear for their court proceedings, it will receive compensation in the amount of the forfeited bail amount.

Regulation also provides protection to consumers by limiting the fees bail bonding agents can charge. In fact, the statute prohibits bail bonding agents from charging fees of more than 15 percent (a minimum of \$50) of the amount of bail furnished. Bail bonding agents are also authorized to charge bail bond fees charged by a court or law enforcement action and fees for the actual cost of storing collateral in a secure, self-service public storage facility. The limitation ensures that bail bonding agents are not charging exorbitant fees, which could prevent defendants from obtaining bail.

At times, defendants are not financially able to pay the fee bail bonding agents charge to post bond. If this situation occurs, defendants and/or indemnitors can use collateral including real property as a means to utilize the services of bail bonding agents to cover the premium, commission or fee for the bail bond, compliance with the bond and any actual costs incurred as a result of the issuance of the bond. For example, a bail bonding agent may submit a deed of trust to the county where real property is located. The deed of trust is a lien on the property, and once the monies due are paid to the bail bonding agent and the court, if necessary, by the defendant, the bail bonding agent removes the deed of trust from the property.

The first sunset criterion asks whether regulation is necessary to protect the public. The regulation of bail bonding agents protects consumers related to the release of collateral. The statute requires the return of collateral within 14 days after receipt of a copy of the court order releasing the bond and requires the release of a deed of trust within 35 days after receiving notice of the conclusion of all court proceedings.

Additionally, the registration program enables the Commissioner to impose discipline on bail bonding agents for violations of the statute or applicable rules. Information gathered during the course of this sunset review indicates that the Commissioner has imposed limited disciplinary actions on bail bonding agents. However, formal discipline was ultimately imposed, and doing so provides a mechanism to enhance consumer protection.

Bail bonding agents' amount of bonds written has continued to decline in the past five calendar years. There are numerous explanations for the decrease, including courts increasingly offering defendants their release on a personal recognizance bond, as opposed to bail.

However, as Table 2 in this report indicates, in calendar year 2024, bail bonding agents wrote more than \$38 million in bail. This represents a large amount of bail, in real dollars, in Colorado.

As such, bail bonding agents provide an important service for defendants, and in order to continue to provide these services with regulatory safeguards to protect consumers from harm, the General Assembly should continue the regulation of bail bonding agents for 13 years, until 2039. Thirteen years is justified because the program is functioning effectively and this sunset report makes no additional recommendations.