

# Legislative Update: Outcome of bail bond-related legislation introduced in 2025 Legislative Session

Prepared for the Law and Justice Interim Committee, March 2026

This document summarizes the outcome of legislation introduced during the 2025 Montana legislative session related to bail bonds. Additional bill information can be found online on the Bill Explorer (<https://bills.legmt.gov/>). Individual bill webpages and related documents are linked in the table below. This information can also be found on the Bill Explorer.

## 2025 BAIL BOND-RELATED LEGISLATION

Bill #	Short Title	Summary	Sponsor	Status
<a href="#">HB 396</a>	Generally revise bail laws	Provides that a person may not be admitted to bail without first being taken before a judge. Additionally provides that if bail is determined to be necessary, the defendant's history of abscondence and fugitivity, including costs incurred by a government entity to transport the defendant, be considered in the bail costs.	Rep. Greg Overstreet	Chapter Number Assigned Effective 10/1/2025
<a href="#">HB 415</a>	Revise laws on a judge's ability to provide bail to certain defendants	Limits a judge's ability to provide bail to a defendant on a warrant from another jurisdiction. A judge may provide bail to any defendant properly appearing before the judge in a bail proceeding unless the defendant is on a warrant from another jurisdiction.	Rep. Amy Regier	Chapter Number Assigned Effective 10/1/2025
<a href="#">HB 726</a>	Generally revise bail bonds laws	Revises qualifications for surety bail bond insurance licensing and continuing education. To be eligible for a surety bail bond insurance license, an individual must be at least 18 years old, a U.S. citizen or lawfully entitled to remain and work in the U.S., maintain a fixed place of business or be a full-time agent within the state, have a high school diploma or equivalency, have no felony convictions of offenses involving dishonesty, violence, or controlled substances, complete general licensing requirements under <a href="#">33-17-211, MCA</a> , and successfully complete 16-hour basic training for bail enforcement agents. This basic training must include instruction in: <ul style="list-style-type: none"><li>• constitutional law and civil liability;</li><li>• rights of individuals in custody;</li><li>• use of force guidelines;</li><li>• procedures for arresting and surrendering defendants;</li><li>• handling individuals with mental health or substance use challenges;</li><li>• defensive tactics;</li><li>• bail bond ethics; and</li><li>• report writing and form completion.</li></ul>	Rep. Nelly Nicol	Chapter Number Assigned Effective 10/1/2025

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		<p>Every two years, licensees must complete continuing education, which includes:</p> <ul style="list-style-type: none"> <li>• 1 hour instruction on updates to state and federal laws affecting the bail industry; and</li> <li>• 4 hours of approved credits on general bail industry knowledge or trends that is provided by a recognized state or national bail industry association or any other approved provider.</li> </ul> <p>A temporary license may be issued for up to 12 months, permitting applicants to operate under supervision while completing training requirements. Supervision must be provided by a licensed bail bond agent who has been licensed and actively in business in Montana for at least 5 consecutive years, is a resident of the state, and is in good standing with the commissioner of insurance, with no disciplinary actions or violations within the past 5 years.</p>		
<a href="#">HB 729</a>	Revise surety bail bond insurance laws relating to the collection of premium and other fees	Revises surety bail bond insurance laws to require the producer to collect a minimum of 10% of the guaranteed amount of the surety appearance bond. Additionally, provides for the collection of the minimum premium in full and for the issuance of a receipt.	Rep. Nelly Nicol	Vetoed by the Governor ( <a href="#">See attached veto letter</a> )
<a href="#">HB 852</a>	Generally revise bailbond laws	<p>Generally revises surety bail bond laws by reforming various bail bond processes, including:</p> <ul style="list-style-type: none"> <li>• a surety bail agent's role in ensuring a defendant's appearance in court;</li> <li>• requiring the Supreme Court collaborate with the Attorney General to develop training and education for judges of courts of limited jurisdiction on the statutory framework governing surety appearance bonds;</li> <li>• allowing detention center inmates to call their licensed bail bond insurance providers without charge;</li> <li>• notice required for surety bail bond insurance providers and the opposing party's attorney if a bond is reduced or increased by the court;</li> <li>• requiring the court to notice an agent within 10 days after a 90-day forfeiture period expired; and</li> <li>• establishing a rulebook for how courts handle bonds, both when the defendant has a bond within and outside a court's jurisdiction.</li> </ul>	Rep. Nelly Nicol	2nd Reading Not Passed as Amended in the House
<a href="#">SB 197</a>	Generally revise bail bonds and insurance laws	Reverts statutory language to pre-2023 requirements. Repeals laws establishing surety bail bond insurance licenses and the avenues for acquiring them. Additionally, repeals a surety bail bond insurance producer's arresting authority.	Sen. Jeremy Trebas	Tabled in Senate Judiciary Committee