

SENATE BILL No. 841

October 23, 2007, Introduced by Senators RICHARDVILLE and SCHAUER and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 167b (MCL 750.167b).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 167b. (1) ~~No~~**A** person engaged, either as principal or as
2 the clerk, agent or representative of another, in the business of
3 becoming surety upon bonds for compensation in ~~any~~**A** criminal case,
4 either directly or indirectly, shall **NOT** give, donate, lend or
5 contribute, or promise to give, donate, lend or contribute, ~~any~~
6 money or property to ~~any~~**AN** attorney at law, police office,
7 sheriff, jailer, probation officer, clerk or other attache of any
8 criminal court, or public official or employee, for procuring, or
9 assisting in procuring, ~~any~~**A** person to employ the bondsman to
10 execute as surety ~~any~~**A** bond for compensation in ~~any~~**A** criminal

1 case. ~~No~~**AN** attorney at law, police officer, sheriff, jailer,
 2 probation officer, clerk or other attache of any criminal court, or
 3 public official or employee of any character, shall **NOT** accept or
 4 receive from ~~any~~**A** person engaged in the bonding business ~~any~~ money
 5 or property for procuring, or assisting in procuring, ~~any~~**A** person
 6 to employ any bondsman to execute as surety ~~any~~**A** bond for
 7 compensation in ~~any~~**A** criminal case.

8 (2) ~~No~~**A** person engaged, either as principal or as the clerk,
 9 agent, or representative of another ~~,~~ in the business of becoming
 10 surety upon bonds for compensation in ~~any~~**A** criminal case, either
 11 directly or indirectly, shall **NOT** procure, suggest, aid in the
 12 procurement of or cause ~~in any way whatsoever~~ the obtaining or
 13 employing of ~~any~~**AN** attorney at law for ~~any~~**A** person in a criminal
 14 case.

15 (3) ~~It shall be lawful to~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS**
 16 **SUBSECTION, A PERSON SHALL NOT** charge for executing ~~any~~**A** bond in a
 17 criminal case. ~~, but no~~**A** person engaged in the bonding business,
 18 either as principal or clerk, agent or representative of another,
 19 either directly or indirectly, shall **NOT** charge, accept, or receive
 20 ~~any~~**A** sum of money or property ~~,~~ other than the regular prevailing
 21 fee for bonding, which shall not exceed ~~10%~~**15%** of the face value
 22 of the bond **PLUS REASONABLE ACTUAL COSTS** for a ~~12-month period or~~
 23 ~~any part thereof~~ **PERIOD OF NOT MORE THAN 12 MONTHS**, from ~~any~~**A**
 24 person for whom ~~he~~**THE PERSON** has executed bond, for any other
 25 service ~~whatever~~ performed in connection with ~~any~~**AN** indictment,
 26 information, or charge upon which the person is bailed or held. ~~No~~
 27 **A** person engaged, either as principal or as the clerk, agent, or

1 representative of another ~~—~~in the bonding business shall **NOT**
2 settle or attempt to settle, or ~~shall~~ procure or attempt to
3 procure, the dismissal of ~~any~~**AN** indictment, information, or charge
4 against ~~any~~**A** person in custody or held upon bond with ~~any~~**A** court
5 or with the prosecuting attorney in ~~any~~**A** court.

6 (4) A typewritten or printed list, alphabetically arranged, of
7 all persons engaged in the business of becoming surety upon bonds
8 for compensation in criminal cases within the county shall be
9 posted in a conspicuous place in each police precinct, jail,
10 prisoner's dock, ~~and~~ house of detention, and in every other place
11 in which persons in custody of the law are detained, and 1 or more
12 copies ~~thereof~~**OF THAT LIST** shall be kept on hand. The list shall
13 be compiled annually by the judges of the circuit court of each
14 circuit, and **THE JUDGES SHALL ADD** the names of persons engaged in
15 the business of becoming surety upon bonds for compensation ~~shall~~
16 ~~be added to the list by the judges upon proper application. When~~
17 ~~any~~**A** person who is detained in custody in ~~any such~~**A** place of
18 detention **DESCRIBED IN THIS SUBSECTION** requests ~~any~~**A** person in
19 charge ~~thereof~~**OF THE PLACE OF DETENTION** to furnish him **OR HER** the
20 name of a bondsman ~~—~~or to put him **OR HER** in communication with a
21 bondsman, the list shall be furnished to the person ~~so requesting,~~
22 without recommendation ~~—~~and the person in charge of the place of
23 detention ~~within a reasonable time~~ shall put the person detained in
24 communication with the bondsman selected **WITHIN A REASONABLE TIME**
25 **AND WITHOUT TOLL TO THE BONDSMAN** and, contemporaneously with the
26 transaction, make in the blotter or book of record kept in ~~any~~**THE**
27 place of detention a record showing the name of the person

1 requesting the bondsman, the offense with which the person is
2 charged, the time at which the request was made, the bondsman
3 requested, and the person by whom the bondsman was called, and
4 preserve the ~~same~~ **RECORD** as a permanent record in the book or
5 blotter. ~~in which entered.~~

6 (5) ~~Any~~ **A** person violating any provision of ~~WHO VIOLATES~~ this
7 section ~~shall be punished~~ **IS GUILTY OF A MISDEMEANOR PUNISHABLE** as
8 provided in section 168.