

HOUSE BILL No. 5537

October 22, 2009, Introduced by Rep. Johnson and referred to the Committee on Regulatory Reform.

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—~~**OFFICER**,
7 sheriff, jailer, probation officer, clerk or other attache of any
8 criminal court, or public official or employee, for procuring, or

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

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

18 (3) It ~~shall be~~ **IS** lawful to charge for executing any bond in
 19 ~~a criminal case, but no person~~ **FOR A SURETY** engaged in the ~~bonding~~
 20 **BAIL BOND** business, ~~either as principal or clerk, agent or~~
 21 ~~representative of another, either directly or indirectly, shall~~
 22 **THROUGH ITS BAIL BOND AGENTS, TO** charge, accept, or receive ~~any sum~~
 23 ~~of money, or property, other than the regular prevailing fee for~~
 24 ~~bonding, which~~ **SERVICES, OR OTHER THING OF VALUE FOR EXECUTING A**
 25 **BAIL BOND IN A CRIMINAL CASE. THE AMOUNT CHARGED, ACCEPTED, OR**
 26 **RECEIVED BY A BAIL BOND AGENT FOR EXECUTING A BAIL BOND** shall not
 27 exceed 10% of the ~~face value~~ **PENAL AMOUNT** of the bond for a 12-

1 month period, or any part thereof, ~~from any person for whom he has~~
 2 ~~executed bond, for any other service whatever performed in~~
 3 ~~connection with any indictment, information or charge upon which~~
 4 ~~the person is bailed or held. No~~ **OF THAT PERIOD, PLUS REASONABLE**
 5 **COSTS.** A person engaged, either as principal or as the clerk,
 6 agent, or representative of another, **A SURETY OR BAIL BOND AGENT,**
 7 in the bonding business shall **NOT** settle or attempt to settle, or
 8 ~~shall procure or attempt to procure, the dismissal of any~~ **AN**
 9 indictment, information, or charge against ~~any~~ **A** person in custody
 10 or held upon bond with ~~any~~ **A** court or with the prosecuting attorney
 11 in ~~any~~ **A** court.

12 (4) A **CURRENT** typewritten or printed list ~~, alphabetically~~
 13 ~~arranged, of all persons engaged~~ **BAIL BOND AGENTS LICENSED TO**
 14 **ENGAGE** in the **BAIL BOND** business ~~of becoming surety upon bonds for~~
 15 ~~compensation in criminal cases within the county~~ **AND APPOINTED BY A**
 16 **SURETY TO EXECUTE BAIL BONDS IN CRIMINAL CASES, AS PREPARED AND**
 17 **DISTRIBUTED BY THE STATE COURT ADMINISTRATIVE OFFICE UNDER SECTION**
 18 **8 OF THE BAIL BOND PERSONNEL LICENSURE ACT,** shall be posted in a
 19 conspicuous place in each police precinct, jail, prisoner's dock,
 20 ~~and~~ house of detention, **COURT FACILITY ACCESSIBLE TO THE PUBLIC,**
 21 **JUVENILE DETENTION FACILITY,** and ~~in every other place in which~~
 22 persons in custody of the law are detained **OTHER THAN A STATE**
 23 **CORRECTIONAL FACILITY,** and 1 or more copies ~~thereof~~ **OF THAT LIST**
 24 shall be kept on hand. ~~The list shall be compiled annually by the~~
 25 ~~judges of the circuit court of each circuit, and the names of~~
 26 ~~persons engaged in the business of becoming surety upon bonds for~~
 27 ~~compensation shall be added to the list by the judges upon proper~~

1 ~~application.~~ THE LIST ALSO SHALL BE POSTED ON THE STATE COURT
 2 ADMINISTRATIVE OFFICE'S PUBLIC WEBSITE. THE LIST, OR ANY UPDATED
 3 VERSION OF THE LIST, SHALL BE POSTED NOT LATER THAN 7 DAYS AFTER
 4 BEING UPDATED BY THE STATE COURT ADMINISTRATIVE OFFICE. BAIL BONDS
 5 FOR ALL JURISDICTIONS SHALL BE ACCEPTED FROM EVERY BAIL BOND AGENT
 6 ON THE LIST AT EACH COURT; EACH STATE, COUNTY, CITY, MUNICIPAL,
 7 TOWNSHIP, OR VILLAGE POLICE DEPARTMENT; EACH JAIL OR OTHER PLACE OF
 8 DETENTION; AND ANY OTHER PLACE AT WHICH THE LIST IS REQUIRED TO BE
 9 POSTED. ANY PERSON WHO ACCEPTS A BAIL BOND DELIVERED BY A BAIL BOND
 10 RUNNER SHALL REQUIRE THAT THE BAIL BOND RUNNER DISPLAY A VALID
 11 IDENTIFICATION CARD ISSUED BY THE OFFICE OF FINANCIAL AND INSURANCE
 12 REGULATION UNDER SECTION 10(3) OF THE BAIL BOND PERSONNEL LICENSURE
 13 ACT AND SHALL VERIFY THAT THE BAIL BOND RUNNER IS INCLUDED IN THE
 14 LIST CREATED UNDER SECTION 10(7) OF THE BAIL BOND PERSONNEL
 15 LICENSURE ACT AND THAT THE BAIL BOND RUNNER'S SPONSORING BAIL BOND
 16 AGENT IS ON THE LIST CREATED UNDER SECTION 8 OF THE BAIL BOND
 17 PERSONNEL LICENSURE ACT. When ~~any~~ A person who is detained in
 18 custody in ~~any such~~ A place of detention DESCRIBED IN THIS
 19 SUBSECTION requests ~~any~~ A person in charge thereof OF THE PLACE OF
 20 DETENTION to furnish him OR HER the name of a ~~bondsman~~, BAIL BOND
 21 AGENT or to put him OR HER in communication with a ~~bondsman~~ BAIL
 22 BOND AGENT, the list shall be furnished to the person ~~so~~
 23 ~~requesting~~, without recommendation, and the person in charge of
 24 the place of detention ~~within a reasonable time~~ shall put the
 25 person detained in communication with the ~~bondsman~~ BAIL BOND AGENT
 26 selected and, ~~contemporaneously with the transaction, make in the~~
 27 ~~blotter or book of record kept in any place of detention a record~~

~~showing the name of the person requesting the bondsman, the offense with which the person is charged, the time at which the request was made, the bondsman requested, and the person by whom the bondsman was called, and preserve the same as a permanent record in the book or blotter in which entered~~ WITHIN A REASONABLE TIME AND WITHOUT TOLL TO THE BAIL BOND AGENT OR THE PERSON DETAINED.

(5) A BAIL BOND RUNNER SHALL NOT BE AN INDIVIDUAL LICENSED AS A BAIL BOND AGENT AND SHALL ONLY DELIVER BAIL BONDS TO COURTS AND JAILS OR OTHER PLACES OF CONFINEMENT. A BAIL BOND RUNNER SHALL NOT DO ANY OF THE FOLLOWING:

(A) ENGAGE IN THE BUSINESS OF BAIL BOND AGENT.

(B) PERFORM THE DUTIES OF FUGITIVE RECOVERY PERSON UNLESS HE OR SHE IS LICENSED AS A FUGITIVE RECOVERY PERSON.

(C) COUNTERSIGN BAIL BOND POWERS OF ATTORNEY.

(D) HAVE IN HIS OR HER POSSESSION ANY POWER OF ATTORNEY OR SIMILAR DOCUMENT UNLESS IT CONTAINS THE BAIL BOND AGENT'S SEAL AND HAS BEEN FULLY COMPLETED BY THE BAIL AGENT, INCLUDING THE NAME OF THE DEFENDANT FOR WHOM THE BOND IS TO BE POSTED, THE BOND AMOUNT, AND THE COURT TO WHICH THE BOND IS GIVEN.

(E) COLLECT MONEY.

(F) TAKE APPLICATIONS FOR BAIL BONDS.

(G) EXECUTE BAIL BONDS.

(H) SOLICIT BAIL BOND BUSINESS IN ANY MANNER.

~~(5) Any A person violating any provision of this section shall be punished~~ WHO VIOLATES SUBSECTION (1), (2), (3), OR (5) IS GUILTY OF A MISDEMEANOR PUNISHABLE as provided in section 168.

1 (7) AS USED IN THIS SECTION, "BAIL BOND AGENT", "BAIL BOND
2 RUNNER", AND "SURETY" MEAN THOSE TERMS AS DEFINED IN THE BAIL BOND
3 PERSONNEL LICENSURE ACT.

4 Enacting section 1. This amendatory act does not take effect
5 unless Senate Bill No.____ or House Bill No. 5536(request no.
6 03057'09) of the 95th Legislature is enacted into law.