



JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH  
LANSING

STANLEY "SKIP" PRUSS  
DIRECTOR

**House Bills 5492-3 (As Introduced)**

**Topic:** Bail Enforcement Agents  
**Sponsor:** Representative Johnson  
**Co-sponsors:** None  
**Committee:** House Regulatory Reform

**Date Introduced:** September 30, 2009

**Date of Summary:** October 7, 2009

House Bill 5493 creates the Bail Enforcement Agent Regulation Act. A bail enforcement agent would be required to be licensed by the Department of Energy, Labor & Economic Growth. An individual may act or attempt to act as a bail enforcement agent only in the following circumstances:

- The individual subject to recognizance has failed to appear as required by the court or has violated a condition imposed by the court.
- The principal has left, is leaving, or is attempting to leave the jurisdiction.
- Failure of sureties submitted by the principal.
- Action of the surety pursuant to the Code of Criminal Procedure.

A license may be issued only to a natural person. No license may be issued to a person convicted of a felony or misdemeanor in which the individual caused physical injury to another person.

An individual seeking licensure must apply on a form supplied by the department and pay an application and license fee determined by the department. The individual must be 18 years of age. A satisfactory copy of the applicant's fingerprints must be supplied. An individual must demonstrate that at least 10 years have passed after all of several conditions regarding felony and misdemeanor convictions involving physical injury to another person. These conditions include payment of fines, costs, and restitution; serving of terms of imprisonment, and completion of all conditions of probation or parole. Successful completion at least five days prior to application of an educational course on the criminal justice system consisting of at least 20 hours of classroom instruction is required.

DELEG is an equal opportunity employer/program.  
Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities.

The department is required to issue a picture identification card for each licensee. A replacement card may be issued if a card is lost or destroyed for a charge of at least \$10 but not to exceed the cost of issuance.

A license is valid for a period of 12 months and may be renewed by filing a renewal application not less than 30 days before expiration and enclosing the required fees. Within 30 days after a change of home or business address a licensee is required to notify the department. The department is required to note the change of address in its records and send a sticker to the licensee to be placed on the identification card.

The department is required to promulgate rules to establish fees. The fees would be required to be in an amount to cover the actual costs of processing the application and issuing the license.

The bill contains a bail enforcement agent code of conduct. The agent is required to do all of the following:

- Except in limited circumstances specified in the bill, notify by telephone or in person an appropriate law enforcement agency no sooner than 24 hours before and at least 30 minutes in advance of a planned apprehension.
- Possess documentation demonstrating that he or she has been retained or independently contracted and authorized to effect the apprehension.
- Possess the license required by the act and at least one other picture identification.

A bail enforcement agent licensed in another jurisdiction may operate in the state but must comply with the code of conduct in the bill.

A bail enforcement agent is prohibited from having a firearm in his or her possession while performing duties as a bail enforcement agent unless licensed to do so under Michigan law.

The bill defines certain actions as felonies and provides for penalties of imprisonment for up to 2 years or a fine of not more than \$2,000, or both. The prohibited activities include:

- Acting or attempting to act or representing himself or herself as being a bail enforcement agent without being licensed.
- Knowingly possessing an altered or forged bail enforcement identification card or license or knowingly altered or forged such a card or license.
- Failure to comply with the code of conduct in the case of a person not licensed under this act but licensed elsewhere.

Violation of other sections of the act is defined by the bill as a misdemeanor. Punishment includes imprisonment for not more than one year or a fine of not more than \$1,000, or both.

The department is authorized to suspend or revoke a license after an administrative hearing. The sanctions and remedies provided are independent and cumulative and their imposition does not bar other lawful remedies or limit criminal and civil liability.

House Bill 5492 amends the Code of Criminal Procedure to add a reference to the Bail Recovery Regulation Act to Section 26.

The two bills are tie-barred.