

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 820 (Substitute S-1 as reported)
Sponsor: Senator John D. Cherry, Jr.
Committee: Judiciary

CONTENT

The bill would create the "Bail Enforcement Agent Regulation Act" and require the Department of Consumer and Industry Services (DCIS) to license bail enforcement agents. A "bail enforcement agent" would be an individual contractually retained as an agent by a "surety" or surety agent for the delivery of a "principal" to a sheriff or other peace officer. "Surety" would mean an entity that had entered into a recognizance to ensure the personal appearance of an individual charged with a crime. A "principal" would be an individual charged with a crime who was the subject of a recognizance issued by a surety for the individual's appearance on that criminal matter.

The bill would prohibit an individual from acting as or representing himself or herself as a bail enforcement agent unless he or she obtained a license from the DCIS. An applicant for licensure would have to be at least 18 years old and submit to a criminal history check. If applicable, an applicant would have to demonstrate that at least 10 years had passed since completion of penalties regarding any felony convictions. An individual licensed as a bail enforcement agent in another jurisdiction could act as an agent in Michigan as long as he or she acted in compliance with the bill's requirements to notify police and possess proper documentation and identification.

An individual could act as a bail enforcement agent only if the principal failed to appear at a required court appearance or violated a condition of the recognizance; the principal left, was leaving, or was attempting to leave the jurisdiction; the sureties submitted by the principal failed; the principal or any other person disposed of the property to evade the payment to the surety; or the surety arrested or detained the principal pursuant to the Code of Criminal Procedure (as it would be amended by Senate Bill 1264). A bail enforcement agent would have to notify an appropriate law enforcement agency in advance of a planned attempt to apprehend a principal. An agent would have to possess documentation that he or she had been retained or independently contracted and authorized by a surety to effect the apprehension, and possess his or her license and at least one other picture identification.

The bill also contains criminal and administrative penalties for violations.

Legislative Analyst: P. Affholter

FISCAL IMPACT

This bill would require the Department of Consumer and Industry Services to license private bail enforcement agents. According to the Department, the estimated startup costs for this new licensing program would be about \$100,000. The bill would allow the Department to establish issuance and renewal fees, which then would be used to offset the costs of administering this program.

Date Completed: 9-17-98

Fiscal Analyst: M. Tyszkiewicz