

HOUSE BILL No. 6228

September 22, 2004, Introduced by Rep. Koetje and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 2631 (MCL 600.2631).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2631. (1) In ~~any or on appeal from a~~ civil cause,
2 action, proceeding, or matter before ~~any a~~ court, board, or
3 commission in this state ~~or upon appeal from any action of any~~
4 ~~such court, board or commission, in any civil cause, action,~~
5 ~~proceeding or matter~~ where bond or bail of any character is
6 required or permitted for any purpose, ~~it shall be lawful for~~
7 the party or parties required or permitted to furnish ~~such the~~
8 bond or bail ~~or bond to~~ may deposit ~~—~~ in lieu ~~thereof, of~~
9 that bond or bail in the same manner ~~herein as~~ provided in this
10 section for ~~—~~ cash, satisfactory municipal bonds negotiable by
11 delivery, a certified check or certified checks on ~~any a~~ state

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House Bill No. 6228 as amended December 2, 2004

1 or national bank within this country payable to the officer with
2 whom such check is filed, or obligation of the United States
3 government negotiable by delivery, equal in amount to the amount
4 of the bond or bail. ~~so required or permitted.~~

5 (2) ~~-(1) Any~~ A person, firm, or corporation ~~desiring to~~
6 ~~avail himself of the provisions of this section shall deposit or~~
7 ~~cause~~ **may furnish bond or bail under this section by depositing**
8 **or causing** to be deposited ~~such~~ cash or securities with the
9 county, city, village, or township treasurer of **the** county, city,
10 village, or township within which the bond or bail is to be
11 furnished. ~~or, in any case, with the state treasurer.~~

12 (3) ~~-(2) Such treasurer, upon tender to him,~~ A treasurer
13 **described in subsection (2)** shall accept ~~such~~ cash or
14 securities **upon tender** and shall deliver to the depositor a
15 duplicate receipt reciting the fact of ~~such~~ **the** deposit. [

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19 (4) ~~-(3) If~~ ~~such~~ bond or bail **described in subsection (1)**
20 is required **to be furnished** after the office hours of ~~any such~~
21 a treasurer with whom it is desired to file ~~such~~ **the** cash or
22 securities, the deposit may be made with the chief clerk of
23 ~~such~~ **the** court, board, or commission or with the sheriff of the
24 county or the deputy in charge of the county jail or the
25 sheriff's office, who shall accept the ~~same, giving duplicate~~
26 ~~receipts therefor~~ **deposit, provide a duplicate receipt for the**
27 **deposit**, and cause ~~such security~~ **the cash or securities** to be

1 delivered to the proper treasurer as ~~above provided for within~~
2 **described in subsection (2) not more than** 48 hours ~~thereafter~~
3 **after it is deposited.**

4 (5) ~~-(4)-~~ The filing of 1 of ~~such~~ **the** duplicate receipts
5 **provided under subsection (4)** with the court, board, or
6 commission with which ~~such~~ **the** bond or bail is required or
7 permitted to be filed ~~shall have~~ **has** the same effect as the
8 furnishing of ~~such~~ **the** bond or bail and shall be taken and
9 accepted by ~~such~~ **the** court, board, or commission or by its
10 chief clerk in lieu of ~~such~~ **the** bond or bail.

11 (6) ~~-(5)-~~ If ~~such~~ bond or security ~~be~~ **is** discharged, an
12 order ~~to that effect~~ **of discharge** shall be entered upon the
13 records of the court, board, or commission with a statement of
14 the amount to be returned to the person making the deposit **under**
15 **this section.** Upon presentation to ~~him~~ **the proper treasurer as**
16 **described in subsection (2)** of a copy of ~~such~~ **the** order ~~of~~
17 **discharge as** certified by the chief clerk of the court,
18 board, or commission making the ~~same~~ **order of discharge**, the
19 ~~proper~~ treasurer shall pay to the person named ~~therein~~ **in the**
20 **order of discharge** or to his **or her** order the amount specified or
21 shall return the securities, as ~~the case may be~~ **appropriate.**
22 If the bond or security ~~be~~ **is** forfeited, an order ~~to that~~
23 ~~effect~~ **of forfeiture** shall be entered upon the records of the
24 court, board, or commission, and upon presentation to ~~him~~ **the**
25 **proper treasurer as described in subsection (2)** of a copy of
26 ~~such order,~~ **the order of discharge as** certified by the chief
27 clerk of the court, board, or commission making the ~~same~~ **order**

1 of **discharge**, the treasurer shall ~~make such disposition~~ **dispose**
 2 of the security as ~~such~~ **the** order ~~shall provide for~~ of
 3 **discharge provides**. Money or securities deposited ~~hereunder~~
 4 ~~shall not be~~ **under this section are not** subject to garnishment.
 5 ~~In case such~~ **If the** cash or security is ~~still~~ in the ~~hands~~
 6 **possession** of the clerk of ~~such~~ **the** court, board, or commission
 7 at the time ~~the same~~ **bond or bail** is declared discharged or
 8 forfeited, the clerk shall ~~make the same disposition of such~~
 9 **dispose of the** security as the treasurer would be required to
 10 make in similar circumstances. Whenever the order of the court,
 11 board, or commission requires, ~~or contemplates the same,~~ the
 12 treasurer or clerk shall endorse to the proper party any
 13 certified check deposited with ~~him~~ **the treasurer or clerk** as
 14 security.

15 (7) ~~(6)~~ Any cash or securities received by ~~any~~ a
 16 treasurer under ~~the provisions of~~ this section shall be
 17 deposited in a special fund or place of deposit subject to the
 18 order of the proper court, board, or commission. Any interest
 19 accumulating upon ~~such~~ a fund **under this subsection** shall be
 20 paid into the general fund or corresponding fund of the ~~state,~~
 21 county, city, village, or township according to the nature of the
 22 case or in accordance with the order of the proper court, board,
 23 or commission. When bonds or other securities are deposited, the
 24 interest coupons shall not be detached ~~therefrom~~ **from them** but
 25 shall follow the disposition of the securities.

26 (8) ~~(7)~~ Any A person, firm, or corporation ~~, availing~~
 27 ~~themselves of the provisions of~~ **that furnishes bond or bail**

1 **under** this section may, at any time — before forfeiture of the
2 ~~same~~ **bond or bail**, redeem any cash or securities ~~so~~ deposited
3 **under this section** by substituting the bond originally required
4 or permitted.