



Berrien County Trial Court

Thomas E. Nelson, Chief Judge - Brian E. Ray, Administrator

Courthouse - 811 Port Street - St. Joseph, MI 49085

(269) 983-7111, Ext. 8453 - FAX (269) 982-8634

www.berriencounty.org

ADMINISTRATIVE ORDER 2014-01

Bail Bondsmen and Sureties

Effective immediately, the constitutional Circuit Court Judges of the Berrien County Trial Court rescind the previous court orders and subsequent amendments dealing with Bail Bondsman and Sureties, including but not limited to those issued on March 16, 1973, March 23, 1973, May 30, 1973, June 18, 1973, by the Berrien County Circuit Court and March 22, 1974, and October 31, 1975, by the Berrien County District Court, and order the following:

- A. After December 31, 2013, in order to comply with MCL 750.167b(4), a person (defined as an individual or a legal entity such as a partnership, limited liability company or corporation) desiring to engage in the business of becoming a surety for compensation, upon a bond in a criminal case within the jurisdiction of the Berrien County Trial Court, or desiring to sell, solicit or negotiate, or to solicit application for or collect premiums on, such a bond, shall annually (no automatic rollover from the current List will occur) apply in writing using the Berrien County Trial Court Bondsman Application to be considered for inclusion on the Berrien County Trial Court Approved List of Bail Bondsmen compiled by the constitutional Circuit Court Judges. See Attachment A. To be considered for inclusion on the Approved List to be compiled as of annually as of January 1, Application and supporting documents must be received by the Court Administrator not later than December 31 and must be signed by the applicant no earlier than December 10. If the application is approved by the Judges, that applicant will be added to the Approved List effective January 1. Thereafter, a person may be considered for inclusion by addition to the Approved List by submitting the Application and supporting documents to the Court Administrator. If the application is approved by the Judges, that applicant will be added to the Approved List effective the date of the approval. The Court Administrator will update information on a quarterly basis if the requested change(s) are submitted utilizing Page 4 of the Application.
- B. Except as provided in ¶ C, only persons duly appointed by and authorized to write and maintain bail bonds by an insurer authorized as a bail bond surety under a subsisting certificate of authority granted to it by the Director of the Michigan Department Insurance and Financial Services (formerly known as the Commissioner of the Office of Financial and Insurance Regulation and as the Commissioner of the

Office of Financial and Insurance Services), pursuant to the Michigan Insurance Code of 1956, 1956 PA 218, MCL 500.101 et seq. will be included on the Approved List of Bail Bondsman, and only those persons approved by the Berrien County Trial Court and listed may solicit or execute a bail bond. No bond may be written for more than the amount of the insurance policy.

- C. Property bonds furnished for compensation shall not be permitted, with the following exception:

Bertuca Bonding & Insurance, Inc. and Bovo Bonding Agency, L.L.C. may continue their existing practice of securing bail bonds by depositing funds into a financial institution that is authorized to transact business in Michigan in such manner as to prevent the withdrawal of the funds or any part of the funds except with the written consent of the depositor, the Berrien County Treasurer and the Berrien County Trial Court Administrator, or with an order signed by a Berrien County Trial Court Judge. Bertuca Bonding & Insurance, Inc. and Bovo Bonding Agency, L.L.C. have been grandfathered under MCL 500.121(1) because they were the only approved bonding agencies utilizing deposits when the new application procedure for the Approved List of Bail Bondsman was instituted effective December 31, 2013. An agency shall not use such a deposit to secure any bail bond written for more than the face value of the deposit and shall not use such a deposit to secure multiple bail bonds on any one individual written in aggregate for more than the face value of the deposit. Additionally, the total amount of bonds written under such a deposit shall not exceed ten (10) times the face value of the deposit.

- D. No person listed on the Approved List of Bail Bondsman shall enter or remain in a Berrien County Courthouse or any other building in Berrien County where Court proceedings are being held (except the public outer lobby), or any portion of the Berrien County Jail (except the public outer lobby) except for the following:
- When he/she has been requested or ordered to appear before the Court
 - Pursuant to a specific appointment with a Judge, Court Administrator, or other public official
 - To deposit monies, receive funds or pay bond forfeiture judgments
 - To post specific bail bonds at the Niles Courthouse for persons lodged in the Courthouse lockup
- E. No person who is authorized to execute a criminal bail bond is allowed to solicit business or discuss any case details while inside a Berrien County Court facility. This includes but is not limited to asking court patrons if they need a bonding agent, signing of bond related paperwork, handing out business cards, etc. Violations may result in criminal prosecution pursuant to MCL 750.167(k) and/or removal from the approved bail bond list.
- F. All executions of bail bonds and bail bond revocations shall be performed at the Berrien County Jail in St. Joseph except where defendants are lodged in the Niles Courthouse lockup, in which case the bail bond may be posted at the Berrien County Trial Court office located in Niles.

- G. This order does not apply to 10% or 100% cash bonds posted by defendants or others doing so without any fee or compensation paid or to be paid (including auto club bonds posted without any fee or other compensation other than normal auto club dues).

Effective Date: November 6, 2014

11/10/14
Date



Thomas E. Nelson, Trial Court Chief Judge

STATE OF MICHIGAN - COUNTY OF BERRIEN
BONDSMAN SURETY FORM

White - BCSD
Yellow - Court File
Pink - Bondsman

CIRCUIT COURT CASE # _____

THE PEOPLE OF THE STATE OF MICHIGAN

DISTRICT COURT CASE # _____

VS.

OFFENSE: _____

(NAME)

AMOUNT: \$ _____ JUDGE/MAGISTRATE: _____ DATE SET: _____

AMOUNT SURETY POSTED: \$ _____

BONDSMAN / SURETY: As a condition for accepting me as surety on this bond, I certify:

1. I am currently on the Berrien County Trial Court Approved List of Bail Bondsmen compiled by the constitutional Circuit Court Judges of the Berrien County Trial Court (Judges). As a duly appointed agent of a corporation/limited liability company currently authorized by the Judges to secure bail bonds by depositing funds into a financial institution that is authorized to transact business in Michigan, or as a duly appointed agent of an insurer authorized as a bail bond surety under a subsisting certificate of authority granted to it by the Director of the Michigan Department of Insurance and Financial Services (formerly known as the commissioner of the Office of Financial and Insurance Regulation and Commissioner of the Office of Financial and Insurance Services), pursuant to the Michigan Insurance Code of 1956, 1956 PA 218, MCL 500.101 *et seq.*
2. The corporation/limited liability company I represent currently has on deposit with a financial institution that is authorized to transact business in Michigan restricted funds that equal or exceed ten (10) times the total amount of bonds, including this bond, written under the deposit, or, pursuant to the attached appointment, I am duly appointed by the authorized insurer underwriting this bond.
3. Neither the corporation/limited liability company I represent nor the authorized insurer, if any, underwriting this bond currently has an unsatisfied forfeiture judgment entered by a Judge of the Berrien County Trial Court.
4. I understand that pursuant to MCL 765.6(2), if the court fixes a bail amount and allows for the posting of a 10% deposit bond, a surety bond in an amount equal to 1/4 of the full bail amount must be posted.
5. I understand and agree that if all the terms and conditions of this bond are not met by the defendant, the **full amount** of the bond may be forfeited and a judgment entered for the entire amount of the bond. I also understand that if all the terms and conditions of this bond are met, the **amount** of surety posted will be returned to me, pursuant to MCR 6.106.
6. I have received a copy of the **BAIL BOND FORM**, signed by the defendant, and agree to fulfill my obligations as surety under the applicable statutes and court rules of the State of Michigan and as surety for the appearance of the defendant as set forth on the bail bond form.

Signature of depositor/surety agent (Agent's power of attorney must be attached)

Date

Name of depositor/surety agent

Address

City, State, Zip Code

Telephone Number

