

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

600.2631 Cash or securities in lieu of bail or bond; deposit; receipts; discharge; interest; substitution.

Sec. 2631. In any civil cause, action, proceeding or matter before any court, board or commission in this state or upon appeal from any action of any such court, board or commission, in any civil cause, action, proceeding or matter where bond or bail of any character is required or permitted for any purpose, it shall be lawful for the party or parties required or permitted to furnish such bail or bond to deposit, in lieu thereof, in the same manner herein provided for, cash, satisfactory municipal bonds negotiable by delivery, a certified check or certified checks on any state or national bank within this country payable to the officer with whom such check is filed, or obligation of the United States government negotiable by delivery, equal in amount to the amount of the bond or bail so required or permitted.

(1) Any person, firm or corporation desiring to avail himself of the provisions of this section shall deposit or cause to be deposited such cash or securities with the county, city, village or township treasurer of county, city, village or township within which the bond or bail is to be furnished or, in any case, with the state treasurer.

(2) Such treasurer, upon tender to him, shall accept such cash or securities and shall deliver to the depositor a duplicate receipt reciting the fact of such deposit.

(3) If such bond or bail is required after the office hours of any such treasurer with whom it is desired to file such cash or securities, the deposit may be made with the chief clerk of such court, board or commission or with the sheriff of the county or the deputy in charge of the county jail or the sheriff's office, who shall accept the same, giving duplicate receipts therefor, and cause such security to be delivered to the proper treasurer as above provided for within 48 hours thereafter.

(4) The filing of 1 of such duplicate receipts with the court, board or commission with which such bond or bail is required or permitted to be filed shall have the same effect as the furnishing of such bond or bail and shall be taken and accepted by such court, board or commission or by its chief clerk in lieu of such bond or bail.

(5) If such bond or security be discharged, an order to that effect shall be entered upon the records of the court, board or commission with a statement of the amount to be returned to the person making the deposit. Upon presentation to him of a copy of such order, duly certified by the chief clerk of the court, board or commission making the same, the proper treasurer shall pay to the person named therein or to his order the amount specified or shall return the securities as the case may be. If the bond or security be forfeited, an order to that effect shall be entered upon the records of the court, board or commission, and upon presentation to him of a copy of such order, certified by the chief clerk of the court, board or commission making the same, the treasurer shall make such disposition of the security as such order shall provide for. Money or securities deposited hereunder shall not be subject to garnishment. In case such cash or security is still in the hands of the clerk of such court, board or commission at the time the same is declared discharged or forfeited, the clerk shall make the same disposition of such security as the treasurer would be required to make in similar circumstances. Whenever the order of the court, board or commission requires or contemplates the same, the treasurer or clerk shall endorse to the proper party any certified check deposited with him as security.

(6) Any cash or securities received by any treasurer under the provisions of this section shall be deposited in a special fund or place of deposit subject to the order of the proper court, board or commission. Any interest accumulating upon such fund shall be paid into the general fund or corresponding fund of the state, county, city, village or township according to the nature of the case or in accordance with the order of the proper court, board or commission. When bonds or other securities are deposited the interest coupons shall not be detached therefrom but shall follow the disposition of the securities.

(7) Any person, firm or corporation, availing themselves of the provisions of this section may, at any time, before forfeiture of the same, redeem any cash or securities so deposited by substituting the bond originally required or permitted.

History: 1961, Act 236, Eff. Jan. 1, 1963.