

THE CODE OF CRIMINAL PROCEDURE (EXCERPT)
Act 175 of 1927

765.15 Bail; cash, check, or security; disposition upon forfeiture or discharge of bond or bail.

Sec. 15.

(1) If bond or bail is forfeited, the court shall enter an order upon its records directing the disposition of the cash, check, or security within 45 days of the order. The treasurer or clerk, upon presentation of a certified copy of such order, shall dispose of the cash, check, or security pursuant to the order. The court shall set aside the forfeiture and discharge the bail or bond, within 1 year from the time of the forfeiture judgment, in accordance with subsection (2) if the person who forfeited bond or bail is apprehended, the ends of justice have not been thwarted, and the county has been repaid its costs for apprehending the person.

(2) If bond or bail is discharged, the court shall enter an order with a statement of the amount to be returned to the depositor. If the court ordered the defendant to pay a fine, costs, restitution, assessment, or other payment, the court shall order the fine, costs, restitution, assessment, or other payment collected out of cash bond or bail personally deposited by the defendant under this chapter, and the cash bond or bail used for that purpose shall be allocated as provided in section 22 of chapter XV. Upon presentation of a certified copy of the order, the treasurer or clerk having the cash, check, or security shall pay or deliver it as provided in the order to the person named in the order or to that person's order.

(3) If the cash, check, or security is in the hands of the sheriff or any officer other than the treasurer or clerk, the officer holding it shall dispose of the cash, check, or security as the court orders upon presentation of a certified copy of the court's order.

History: 1927, Act 175, Eff. Sept. 5, 1927 ;-- CL 1929, 17177 ;-- CL 1948, 765.15 ;-- Am. 1970, Act 78, Imd. Eff. July 16, 1970 ;-- Am. 1970, Act 226, Eff. Apr. 1, 1970 ;-- Am. 1993, Act 343, Eff. May 1, 1994

Former Law: See section 4 of Act 332 of 1919.