

credit points for veterans is a valid limitation within the discretion of the Michigan Civil Service Commission.

FRANK J. KELLEY,
Attorney General.

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POLICE OFFICERS: Bail Bonds.

BAIL BONDSMEN: Police Officers.

A police officer may not serve as a bail bondsman or as an employee of a bail bondsman.

Opinion No. 4850

January 9, 1975.

Honorable Raymond J. Smit
State Representative
Box 119
Lansing, Michigan 48901

You have requested my opinion as to whether a police officer may serve as a bail bondsman or may work with a bail bondsman.

Chap. XXVIII, sec. 167(b)(1) of the Michigan Penal Code, 1931 PA 328; MCLA 750.167(b)(1); MSA 28.364(2) provides that it is unlawful for a police officer to accept any money or property from any person engaged in the business of providing bonds in criminal cases or from procuring or assisting in procuring a client for the bondsman.

Thus, a police officer is clearly precluded by law from working with, or being employed by, a bail bondsman. Moreover, the statute would be contravened if a person were to be a bondsman and a police officer simultaneously for, if that person were to receive money or property as compensation for his services as a bail bondsman, he would be prohibited from accepting such compensation while serving as a police officer.

Another approach to the same question leads to the same conclusion. 1966 PA 257 § 12; MCLA 780.72; MSA 28.872(62) states that no official authorized to admit a person to bail or to accept bail shall either furnish any part of security for bail nor act as surety for any accused admitted to bail. Although this provision refers to officials in general terms and does not specifically mention police officers, it will be noted that a police officer is one who is authorized to accept bail pursuant to 1966 PA 257, § 8; MCLA 780.68; MSA 28.872(58), which states that "any sheriff or other peace officer may take bail." As the term "peace officer" includes "police officer," *People v. Carey*, 382 Mich 285, 293; 170 NW 2d 145, 148, 1969, it is clear that police officers are prohibited from serving as a bail bondsman or as an employee of a bail bondsman.

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