

HOUSE BILL No. 5537

December 29, 2005, Introduced by Rep. LaJoy and referred to the Committee on Judiciary.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 7524 (MCL 333.7524), as amended by 1994 PA 8.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7524. (1) When property is forfeited under this article,
2 ~~or pursuant to section 17766a,~~ the local unit of government that
3 seized the property may do any of the following, or if the property
4 is seized by or in the custody of the state, the state may do any
5 of the following, subject to section 7523(1)(d):

6 (a) Retain it for official use.

7 (b) Sell that which is not required to be destroyed by law and
8 which is not harmful to the public. The proceeds and any money,
9 negotiable instruments, securities, or any other thing of value as

1 described in section 7521(1)(f) that ~~are~~ **IS** forfeited ~~pursuant~~
2 ~~to~~ **UNDER** this article shall be deposited with the treasurer of the
3 entity having budgetary authority over the seizing agency and
4 applied as follows:

5 (i) For the payment of proper expenses of the proceedings for
6 forfeiture and sale, including expenses incurred during the seizure
7 process, maintenance of custody, advertising, and court costs,
8 except as otherwise provided in subsection (4).

9 (ii) The balance remaining after the payment of expenses shall
10 be distributed by the court having jurisdiction over the forfeiture
11 proceedings to the treasurer of the entity having budgetary
12 authority over the seizing agency. If more than 1 agency was
13 substantially involved in effecting the forfeiture, the court
14 having jurisdiction over the forfeiture proceeding shall equitably
15 distribute the money among the treasurers of the entities having
16 budgetary authority over the seizing agencies. The money received
17 under this subparagraph and all interest and other earnings on
18 money received under this subparagraph shall be used ~~to enhance~~
19 **ONLY FOR** law enforcement ~~efforts pertaining to this article or~~
20 ~~section 17766a~~ **PURPOSES**, as appropriated by the entity having
21 budgetary authority over the seizing agency. ~~A distribution made~~
22 ~~under this subparagraph shall serve as a supplement to, and not a~~
23 ~~replacement for, the funds budgeted on January 1, 1991, for law~~
24 ~~enforcement efforts pertaining to this article or section 17766a.~~

25 (c) Require the administrator to take custody of the property
26 and remove it for disposition in accordance with law.

27 (d) Forward it to the bureau for disposition.

1 (2) Notwithstanding subsection (1), this state or local units
2 of government may donate lights for plant growth or scales
3 forfeited under this article ~~or section 17766a~~ to elementary or
4 secondary schools or institutions of higher education that request
5 in writing to receive those lights or scales pursuant to this
6 subsection, for educational purposes. This state or local units of
7 government shall donate lights and scales pursuant to this
8 subsection to elementary or secondary schools or institutions of
9 higher education in the order in which the written requests are
10 received. This state or local units of government may limit the
11 number of lights and scales available to each requestor.

12 (3) In the course of selling real property ~~pursuant to~~ **UNDER**
13 subsection (1)(b), the court that has entered an order of
14 forfeiture may, on motion of the agency to whom the property has
15 been forfeited, appoint a receiver to dispose of the real property
16 forfeited. The receiver shall be entitled to reasonable
17 compensation. The receiver shall have authority to do all of the
18 following:

19 (a) List the forfeited real property for sale.

20 (b) Make whatever arrangements are necessary for the
21 maintenance and preservation of the forfeited real property.

22 (c) Accept offers to purchase the forfeited real property.

23 (d) Execute instruments transferring title to the forfeited
24 real property.

25 (4) If a court enters an order of forfeiture, the court may
26 order a person who claimed an interest in the forfeited property
27 ~~pursuant to~~ **UNDER** section 7523(1)(c) to pay the expenses of the

- 1 proceedings of forfeiture to the entity having budgetary authority
- 2 over the seizing agency.