

HOUSE BILL NO. 4632

April 14, 2021, Introduced by Reps. Garza and Filler and referred to the Committee on Judiciary.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 7523a (MCL 333.7523a), as added by 2019 PA 8.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7523a. (1) If section 7521a applies to a forfeiture case
2 under this article, the seized property is subject to forfeiture
3 under section 7521, and a person has filed a claim as provided
4 under section 7523, a civil forfeiture action under this act must
5 be stayed during the pendency of the applicable criminal

1 proceedings. The civil forfeiture action must proceed after the
2 defendant is convicted of, or enters a guilty plea to, the offense
3 involved, or 1 or more of the events described in section 7521a(2)
4 applies.

5 (2) At the forfeiture hearing, the plaintiff must prove 1 or
6 both of the following, as applicable:

7 (a) The property is subject to forfeiture as provided in
8 section 7521(1).

9 (b) If a person, other than the person who has been convicted
10 of a violation of this article or entered into a plea agreement in
11 connection with a violation of this article as provided under
12 section 7521a(1), claims an ownership or security interest in the
13 property, that the person claiming the interest in the property had
14 prior knowledge of or consented to the commission of the crime.

15 (3) If the plaintiff fails to meet the burden of proof under
16 subsection (2), property seized under section 7522 must be returned
17 to the owner not more than 14 days from the date the court issues a
18 dispositive order.

19 (4) Except as otherwise provided in section 7521a, property
20 must be returned to the owner not more than 14 days after the
21 occurrence of any of the following:

22 (a) A warrant is not issued against a person for the
23 commission of a crime within 90 days after the property was seized.

24 (b) All charges against the person relating to the commission
25 of a crime are dismissed.

26 (c) The person charged with committing a crime is acquitted of
27 the crime.

28 (d) In the case of multiple defendants, all persons charged
29 with committing a crime are acquitted of the crime.

1 (e) Entry of a court order under this article for the return
2 of the property.

3 (5) A party to a forfeiture proceeding may seek an extension
4 of the time periods described in this section for good cause. The
5 court may grant a motion for an extension under this subsection for
6 good cause shown.

7 **(6) This section does not apply to forfeiture proceedings in**
8 **which the aggregate fair market value of the property and currency**
9 **seized exceeds \$20,000.00, excluding the value of contraband, if**
10 **the forfeiture proceedings were initiated in connection with the**
11 **seizure of property by law enforcement officers appointed by a**
12 **public airport authority created under section 110 of the**
13 **aeronautics code of the state of Michigan, 1945 PA 327, MCL**
14 **259.110, or by a regional airport authority created under section**
15 **139 of the aeronautics code of the state of Michigan, 1945 PA 327,**
16 **MCL 259.139.**