

SUBSTITUTE FOR
HOUSE BILL NO. 5718

A bill to amend 1979 PA 214, entitled

"An act to provide for the disposition and sale of certain stolen or abandoned property recovered or discovered within a city, village, or township; and to provide for the disposition of the proceeds of sale and certain other property,"

by amending the title and sections 1, 2, 3, and 4 (MCL 434.181, 434.182, 434.183, and 434.184), the title and section 1 as amended by 2006 PA 556 and sections 2, 3, and 4 as amended by 1984 PA 258, and by adding section 1a; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE

2 An act to provide for the disposition and sale of certain
3 stolen or abandoned property recovered or discovered within a
4 **COUNTY**, city, village, or township; and to provide for the
5 disposition of the proceeds of sale and certain other property.

1 Sec. 1. **(1)** Except as otherwise provided **BY LAW AND** in this
 2 section, a law enforcement agency ~~of a city, village, or township~~
 3 that recovers stolen property or discovers abandoned personal
 4 property within the **COUNTY**, city, village, or township ~~which~~ **THAT**
 5 is unclaimed for 6 months after recovery or discovery ~~shall~~
 6 report the recovery or discovery of that property, including money,
 7 to the **COUNTY BOARD OF COMMISSIONERS**, city or village council, or
 8 township board of trustees and shall request authority to dispose
 9 of the property as provided in this act. ~~or~~ **THE LAW ENFORCEMENT**
 10 **AGENCY OF A CITY, VILLAGE, OR TOWNSHIP MAY REQUEST** to give the
 11 property to the sheriff of the county to dispose of as provided in
 12 ~~1959 PA 54, MCL 434.171 to 434.174.~~ **THIS ACT.**

13 **(2)** If the property is an abandoned or stolen bicycle, the law
 14 enforcement agency may request authority from ~~its governing body~~
 15 **THE COUNTY BOARD OF COMMISSIONERS, CITY OR VILLAGE COUNCIL, OR**
 16 **TOWNSHIP BOARD OF TRUSTEES** to donate the bicycle to a state
 17 licensed charitable organization.

18 **(3) IF THE STOLEN PROPERTY OR ABANDONED PERSONAL PROPERTY IS**
 19 **NOT A WEAPON AND IS REUSABLE PROPERTY, THE LAW ENFORCEMENT AGENCY**
 20 **MAY REQUEST AUTHORITY FROM THE COUNTY BOARD OF COMMISSIONERS, CITY**
 21 **OR VILLAGE COUNCIL, OR TOWNSHIP BOARD OF TRUSTEES TO DONATE THE**
 22 **PROPERTY AS PROVIDED IN SECTION 2, TO AN ELIGIBLE RECIPIENT THAT,**
 23 **AT THE TIME OF THE DONATION, EXPECTS TO USE THE PROPERTY.**

24 **SEC. 1A. AS USED IN THIS ACT:**

25 **(A) "ELIGIBLE RECIPIENT" MEANS A CITY, VILLAGE, COUNTY,**
 26 **TOWNSHIP, SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT,**
 27 **UNIVERSITY, COMMUNITY COLLEGE, PRIVATE NONPROFIT ORGANIZATION,**

1 PUBLIC SCHOOL ACADEMY, OR GOVERNMENTAL AUTHORITY, OR AN AGENCY OR
 2 DEPARTMENT OF A CITY, VILLAGE, COUNTY, TOWNSHIP, SCHOOL DISTRICT,
 3 INTERMEDIATE SCHOOL DISTRICT, OR A PRIVATE NONPROFIT ORGANIZATION.

4 (B) "LAW ENFORCEMENT AGENCY" MEANS THE SHERIFF OF A COUNTY, OR
 5 THE LAW ENFORCEMENT AGENCY OF A CITY, VILLAGE, OR TOWNSHIP.

6 (C) "PRIVATE NONPROFIT ORGANIZATION" MEANS A PRIVATE
 7 ORGANIZATION EXEMPT FROM TAXATION UNDER SECTION 501(C)(3) OF THE
 8 INTERNAL REVENUE CODE, 26 USC 501(C)(3).

9 Sec. 2. (1) The COUNTY BOARD OF COMMISSIONERS, CITY OR village
 10 council, or township board of trustees shall act upon the request
 11 of the law enforcement ~~officer within~~ AGENCY UNDER SECTION 1 not
 12 less than 60 days OR MORE THAN 6 MONTHS after the receipt of the
 13 request. ~~and not more than 6 months after the receipt of the~~
 14 ~~request.~~

15 (2) If the CITY OR village council or township board of
 16 trustees authorizes the law enforcement ~~officer~~ AGENCY OF THE CITY,
 17 VILLAGE, OR TOWNSHIP to give the property to the sheriff of the
 18 county, the ~~law enforcement officer~~ AGENCY shall deliver the
 19 property to the sheriff within 10 days.

20 (3) If the COUNTY BOARD OF COMMISSIONERS, CITY OR village
 21 council, or township board of trustees authorizes the law
 22 enforcement ~~officer~~ AGENCY to dispose of the property ~~pursuant to~~
 23 THROUGH SALE UNDER this act, the law enforcement ~~officer~~ AGENCY
 24 shall conduct a sale of the property ~~in the manner~~ AS provided in
 25 subsection (4).

26 (4) ~~The~~ IF THE LAW ENFORCEMENT AGENCY IS AUTHORIZED TO DISPOSE
 27 OF THE PROPERTY BY SALE, THE law enforcement ~~officer~~ AGENCY shall

1 publish a notice in a newspaper of general circulation in the
 2 county not less than 5 days before the proposed sale of the
 3 property. The notice ~~shall~~**MUST** describe the property, including
 4 money, and ~~shall~~ state the time and place of the public sale at
 5 which the property may be purchased by the highest bidder. The law
 6 enforcement ~~officer~~**AGENCY** may obtain an appraisal to determine
 7 whether money, because of age, origin, metal content, or value as a
 8 collector's item, has a value other than its face value. Money
 9 ~~which~~**THAT** does not have a value other than its face value ~~shall~~
 10 **MUST** not be subject to the public sale provisions contained in this
 11 section. Until the date of the sale, the property may be claimed at
 12 the office of the law enforcement ~~officer~~**AGENCY**. If ownership of
 13 the property is proved, the property ~~shall~~**MUST** be turned over to
 14 the owner and the sale ~~shall~~**OF THAT PROPERTY MUST** be canceled.
 15 ~~insofar as the claimed property is concerned.~~

16 (5) IF THE COUNTY BOARD OF COMMISSIONERS, CITY OR VILLAGE
 17 COUNCIL, OR TOWNSHIP BOARD OF TRUSTEES AUTHORIZES THE LAW
 18 ENFORCEMENT AGENCY TO DISPOSE OF THE PROPERTY THROUGH DONATION,
 19 FOLLOWING A REQUEST UNDER SECTION 1(3), THE LAW ENFORCEMENT AGENCY
 20 SHALL DONATE THE PROPERTY AS PROVIDED IN SUBSECTION (6).

21 (6) IF THE LAW ENFORCEMENT AGENCY IS AUTHORIZED TO DISPOSE OF
 22 THE PROPERTY BY DONATION, THE LAW ENFORCEMENT AGENCY SHALL PUBLISH
 23 A NOTICE IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY NOT
 24 LESS THAN 5 DAYS BEFORE THE PROPOSED DONATION OF THE PROPERTY. THE
 25 NOTICE MUST DESCRIBE THE PROPERTY AND PROVIDE THE ADDRESS OF THE
 26 OFFICE OF THE LAW ENFORCEMENT AGENCY AND THE DATE THE PROPERTY WILL
 27 BE DONATED. BEFORE THE DATE PROVIDED IN THE NOTICE, THE PROPERTY

1 MAY BE CLAIMED AT THE OFFICE OF THE LAW ENFORCEMENT AGENCY. IF
2 OWNERSHIP OF THE PROPERTY IS PROVED, THE PROPERTY MUST BE TURNED
3 OVER TO THE OWNER AND THE DONATION OF THAT PROPERTY MUST BE
4 CANCELED.

5 Sec. 3. The law enforcement officer ~~AGENCY~~ shall conduct the ~~A~~
6 sale of the unclaimed property and shall deposit the proceeds of
7 the sale, and money not subject to public sale, after deducting the
8 cost of the sale, including reasonable appraisal fees, with the
9 COUNTY, CITY, village, or township treasurer to the credit of the
10 COUNTY, CITY, village, or township general fund.

11 Sec. 4. (1) If, within 6 months after the sale UNDER SECTION
12 2(4), the owner of the property files with the COUNTY BOARD OF
13 COMMISSIONERS, CITY OR village council, or township board of
14 trustees a claim for the property and proves a right to the
15 property, the COUNTY BOARD OF COMMISSIONERS, CITY OR village
16 council, or township board of trustees shall direct the treasurer
17 who received the proceeds of the sale of that property to pay the
18 owner the amount of proceeds or the face value of money not subject
19 to the public sale provision contained in this act. The COUNTY
20 BOARD OF COMMISSIONERS, CITY OR village council, or township board
21 of trustees shall not approve any claims filed more than 6 months
22 after the sale.

23 (2) A law enforcement officer ~~AGENCY~~ disposing of property as
24 provided in this act shall ~~IS~~ not be liable to the owner of that
25 property.

26 Enacting section 1. 1959 PA 54, MCL 434.171 to 434.174, is
27 repealed.

1 Enacting section 2. This amendatory act takes effect 90 days
2 after the date it is enacted into law.