



HOUSE BILL No. 4562

March 30, 1993, Introduced by Reps. Curtis, Scott, Emerson, Wetters, Clack, Freeman, Joe Young, Jr., Olshove, Barns, Owen, Schroer, Murphy, Points, Shugars, Jaye, McNutt, Pitoniak, Martin, Agee, Galloway, Rivers and Harder and referred to the Committee on Public Health.

A bill to amend section 7524 of Act No. 368 of the Public Acts of 1978, entitled as amended

"Public health code,"

as amended by Act No. 336 of the Public Acts of 1990, being section 333.7524 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 7524 of Act No. 368 of the Public Acts
2 of 1978, as amended by Act No. 336 of the Public Acts of 1990,
3 being section 333.7524 of the Michigan Compiled Laws, is amended
4 to read as follows:

5 Sec. 7524. (1) When property is forfeited under this arti-
6 cle or pursuant to section 17766a, the local unit of government
7 that seized the property may do any of the following, or if the
8 property is seized by or in the custody of the state, the state
9 may do any of the following, subject to section 7523(1)(d):

1 (a) Retain it for official use.

2 (b) Sell that which is not required to be destroyed by law
3 and which is not harmful to the public. The proceeds and any
4 money, negotiable instruments, securities, or any other thing of
5 value as described in section 7521(1)(f) that are forfeited pur-
6 suant to this article shall be deposited with the treasurer of
7 the entity having budgetary authority over the seizing agency and
8 applied as follows:

9 (i) For the payment of proper expenses of the proceedings
10 for forfeiture and sale, including expenses incurred during the
11 seizure process, maintenance of custody, advertising, and court
12 costs, except as otherwise provided in subsection ~~(3)~~ (4).

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

1 enforcement efforts pertaining to this article or
2 section 17766a.

3 (c) Require the administrator to take custody of the prop-
4 erty and remove it for disposition in accordance with law.

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

6 (2) NOTWITHSTANDING SUBSECTION (1), LOCAL UNITS OF GOVERN-
7 MENT MAY DONATE LIGHTS FOR PLANT GROWTH OR SCALES FORFEITED UNDER
8 THIS ARTICLE OR SECTION 17766A TO ELEMENTARY OR SECONDARY
9 SCHOOLS, OR TO INSTITUTIONS OF HIGHER EDUCATION, FOR EDUCATIONAL
10 PURPOSES.

11 (3) ~~-(2)-~~ In the course of selling real property pursuant to
12 subsection (1)(b), the court that has entered an order of forfei-
13 ture may, on motion of the agency to whom the property has been
14 forfeited, appoint a receiver to dispose of the real property
15 forfeited. The receiver shall be entitled to reasonable
16 compensation. The receiver shall have authority to do all of the
17 following:

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

19 (b) Make whatever arrangements are necessary for the mainte-
20 nance and preservation of the forfeited real property.

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

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

24 (4) ~~-(3)-~~ If a court enters an order of forfeiture, the
25 court may order a person who claimed an interest in the forfeited
26 property pursuant to section 7523(1)(c) to pay the expenses of

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