



SENATE BILL No. 199

February 1, 1995, Introduced by Senators CISKY,
HOFFMAN, GOUGEON, MC MANUS, CARL, SHUGARS, CHERRY,
STALLINGS, HONIGMAN, ROGERS, BOUCHARD, NORTH and
DUNASKISS and referred to the Committee on Judiciary.

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. 8 of the Public Acts of 1994, 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. 8 of the Public Acts of 1994,
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~~ THE PROPERTY for official use.

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

10 (i) ~~For the payment of~~ EXCEPT AS PROVIDED IN SUBSECTION
11 (4), TO PAY THE proper expenses of the proceedings for forfeiture
12 and sale ~~,~~ including, BUT NOT LIMITED TO, expenses incurred
13 during the seizure process, ~~maintenance of~~ MAINTAINING custody
14 OF THE PROPERTY, AND advertising, and TO PAY court costs. ~~,~~
15 ~~except as otherwise provided in subsection (4).~~

16 (ii) TWO PERCENT OF THE BALANCE REMAINING AFTER THE PAYMENT
17 OF EXPENSES SHALL BE FORWARDED BY THE CLERK OF THE COURT TO THE
18 STATE TREASURER FOR DEPOSIT IN THE CRIME STOPPERS FUND PURSUANT
19 TO SECTION 4 OF THE CRIME STOPPERS ACT.

20 (iii) ~~(ii)~~ The balance remaining after the ~~payment of~~
21 ~~expenses~~ PAYMENTS REQUIRED UNDER SUBPARAGRAPHS (i) AND (ii)
22 shall be distributed by the court having jurisdiction over the
23 forfeiture proceedings to the treasurer of the entity having bud-
24 getary authority over the seizing agency. If more than 1 agency
25 was substantially involved in effecting the forfeiture, the court
26 having jurisdiction over the forfeiture proceeding shall
27 equitably distribute the money among the treasurers of the

1 entities having budgetary authority over the seizing agencies.
2 The money received under this subparagraph and all interest and
3 other earnings on money received under this subparagraph shall be
4 used to enhance law enforcement efforts pertaining to this arti-
5 cle or section 17766a, as appropriated by the entity having bud-
6 getary authority over the seizing agency. A distribution made
7 under this subparagraph shall serve as a supplement to, and not a
8 replacement for, the funds budgeted on January 1, 1991, for law
9 enforcement efforts pertaining to this article or
10 section 17766a.

11 (c) Require the administrator to take custody of the prop-
12 erty and remove ~~it~~ THE PROPERTY for disposition in accordance
13 with law.

14 (d) Forward ~~it~~ THE PROPERTY to the bureau for
15 disposition.

16 (2) Notwithstanding subsection (1), this state or local
17 units of government may donate lights for plant growth or scales
18 forfeited under this article or section 17766a to elementary or
19 secondary schools or institutions of higher education that
20 request in writing to receive those lights or scales pursuant to
21 this subsection, for educational purposes. This state or local
22 units of government shall donate lights and scales pursuant to
23 this subsection to elementary or secondary schools or institu-
24 tions of higher education in the order in which the written
25 requests are received. This state or local units of government
26 may limit the number of lights and scales available to each
27 requestor.

1 (3) In the course of selling real property pursuant to
2 subsection (1)(b), the court that has entered an order of forfei-
3 ture may, on motion of the agency to whom the property has been
4 forfeited, appoint a receiver to dispose of the real property
5 forfeited. The receiver ~~shall be~~ IS entitled to reasonable
6 compensation. The receiver ~~shall have authority to do all~~ MAY
7 DO 1 OR MORE of the following:

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

9 (b) Make whatever arrangements are necessary ~~for the main-~~
10 ~~tenance and preservation of~~ TO MAINTAIN AND PRESERVE the for-
11 feited real property.

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

13 (d) Execute instruments transferring title to the forfeited
14 real property.

15 (4) If a court enters an order of forfeiture, the court may
16 order a person who claimed an interest in the forfeited property
17 pursuant to section 7523(1)(c) to pay the expenses of the pro-
18 ceedings of forfeiture to the entity having budgetary authority
19 over the seizing agency.

20 Section 2. This amendatory act shall not take effect unless
21 Senate Bill No. 200
22 of the 88th Legislature is enacted into law.