

HOUSE BILL No. 4862

June 2, 2005, Introduced by Reps. Ball, Jones and Schuitmaker and referred to the Committee on Judiciary.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
(MCL 257.1 to 257.923) by adding section 233c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 233C. (1) IF AN ARREST WARRANT HAS BEEN ISSUED AGAINST A
2 PERSON FOR COMMITTING A CRIME OR A PERSON IS CHARGED WITH
3 COMMITTING A CRIME AND A MOTOR VEHICLE OWNED IN WHOLE OR IN PART BY
4 THAT PERSON HAS BEEN IMPOUNDED FOR INVESTIGATIVE OR OTHER LAW
5 ENFORCEMENT PURPOSES RELATING TO THAT CRIME, THE PROSECUTING
6 ATTORNEY IN THAT CRIMINAL CASE MAY FILE A NOTICE WITH THE SECRETARY
7 OF STATE ON A FORM PRESCRIBED BY THE SECRETARY OF STATE STATING
8 THAT THE MOTOR VEHICLE HAS BEEN IMPOUNDED. THE PROSECUTING ATTORNEY

1 SHALL PROMPTLY SERVE A COPY OF THE COMPLETED FORM ON THE INDIVIDUAL
2 AND TO EACH OWNER AND LIENHOLDER OF THE MOTOR VEHICLE AS SHOWN BY
3 THE RECORDS OF THE SECRETARY OF STATE IN THE SAME MANNER AS
4 PROVIDED BY THE RULES OF COURT FOR SERVICE OF PROCESS.

5 (2) IF THE SECRETARY OF STATE RECEIVES A PROPER NOTICE UNDER
6 SUBSECTION (1), THE SECRETARY OF STATE SHALL NOT TRANSFER TITLE OF
7 THAT MOTOR VEHICLE TO ANY PERSON, EXCEPT AS FOLLOWS:

8 (A) WRITTEN NOTIFICATION IS RECEIVED FROM THE PROSECUTING
9 ATTORNEY STATING THAT THE INDIVIDUAL IS NO LONGER SUBJECT TO AN
10 ARREST WARRANT FOR COMMITTING THE CRIME, ALL CHARGES RELATING TO
11 THE CRIME HAVE BEEN DISMISSED, OR THE INDIVIDUAL HAS BEEN ACQUITTED
12 OF THOSE CHARGES. THE PROSECUTING ATTORNEY SHALL PROMPTLY NOTIFY
13 THE SECRETARY OF STATE UNDER THIS SUBDIVISION IF THE INDIVIDUAL IS
14 NO LONGER SUBJECT TO AN ARREST WARRANT FOR COMMITTING THE CRIME,
15 ALL CHARGES RELATING TO THE CRIME HAVE BEEN DISMISSED, OR THE
16 INDIVIDUAL IS ACQUITTED OF THE CHARGES. THE PROSECUTING ATTORNEY
17 SHALL PROMPTLY PROVIDE A COPY OF THE NOTICE TO EACH INDIVIDUAL
18 SERVED WITH NOTICE UNDER SUBSECTION (1).

19 (B) THE INDIVIDUAL REQUESTING THE TRANSFER PRESENTS PROOF
20 SATISFACTORY TO THE SECRETARY OF STATE THAT THE INDIVIDUAL IS NO
21 LONGER SUBJECT TO AN ARREST WARRANT FOR COMMITTING THE CRIME, ALL
22 CHARGES RELATING TO THE CRIME HAVE BEEN DISMISSED, OR THE
23 INDIVIDUAL CHARGED WITH THE CRIME HAS BEEN ACQUITTED OF THOSE
24 CHARGES.

25 (C) WRITTEN NOTICE IS RECEIVED FROM THE PROSECUTING ATTORNEY
26 AUTHORIZING TRANSFER OF THE MOTOR VEHICLE TO ANOTHER PERSON. IF
27 THE NOTICE UNDER THIS SUBDIVISION SPECIFIES THE PERSON TO WHOM

1 TRANSFER IS AUTHORIZED, THE SECRETARY OF STATE SHALL NOT TRANSFER
2 TITLE TO ANY OTHER PERSON EXCEPT AS OTHERWISE PROVIDED IN THIS
3 SECTION.

4 (D) TRANSFER OF THE MOTOR VEHICLE IS ORDERED BY THE COURT IN
5 WHICH THE CRIMINAL CASE IS FILED OR, UNLESS THE COURT IS TO BE USED
6 AS EVIDENCE IN THE CRIMINAL CASE, BY A COURT HAVING OTHER PROPER
7 JURISDICTION TO ORDER DISPOSITION OF THE VEHICLE.

8 (3) AN INDIVIDUAL WHO RECEIVES NOTICE UNDER SUBSECTION (1) MAY
9 PETITION THE COURT IN WHICH THE CRIMINAL CASE IS FILED TO ALLOW
10 TRANSFER OF THE TITLE OF THE MOTOR VEHICLE NOTWITHSTANDING THE
11 NOTICE PROVIDED UNDER SUBSECTION (1). HOWEVER, THE COURT SHALL NOT
12 ORDER TRANSFER OF THE MOTOR VEHICLE BASED UPON A PETITION FILED
13 UNDER THIS SUBSECTION IF THE COURT DETERMINES THAT EITHER OF THE
14 FOLLOWING APPLIES:

15 (A) THE MOTOR VEHICLE IS TO BE USED AS EVIDENCE IN THE
16 CRIMINAL CASE OR TRANSFER OF THE MOTOR VEHICLE MAY HINDER
17 LEGITIMATE LAW ENFORCEMENT EFFORTS RELATING TO THAT CASE.

18 (B) TRANSFER OF THE MOTOR VEHICLE MAY HINDER THE RECOVERY OF
19 ANY RESTITUTION, COSTS, OR ASSESSMENTS ARISING FROM THE CRIMINAL
20 CASE.

21 (4) IF THE COURT AUTHORIZES TRANSFER OF THE MOTOR VEHICLE
22 UNDER SUBSECTION (3), THE COURT SHALL PROMPTLY PROVIDE A COPY OF
23 THE ORDER TO THE SECRETARY OF STATE, THE PROSECUTING ATTORNEY, AND
24 EACH PERSON WHO RECEIVED NOTICE UNDER SUBSECTION (1).