

HOUSE BILL No. 5571

January 24, 2006, Introduced by Reps. Lemmons, III, Lemmons, Jr., Bennett, Miller, Murphy, Vagnozzi, Gonzales, Virgil Smith, Zelenko, Meisner, Leland, Sheltroun and Cheeks and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9947) by adding section 5745.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 5745. (1) A COUNTY, CITY, VILLAGE, OR TOWNSHIP MAY BY
2 RESOLUTION OR ORDINANCE DESIGNATE A LOCATION IN THE COUNTY, CITY,
3 VILLAGE, OR TOWNSHIP FOR THE DEPOSIT OF PERSONAL PROPERTY REMOVED
4 FROM PREMISES LOCATED IN THE COUNTY, CITY, VILLAGE, OR TOWNSHIP IN
5 ACCORDANCE WITH A WRIT OF RESTITUTION.

6 (2) IF A COUNTY, CITY, VILLAGE, OR TOWNSHIP ADOPTS A
7 RESOLUTION OR ORDINANCE UNDER SUBSECTION (1), A COURT ISSUING A
8 WRIT OF RESTITUTION FOR PREMISES LOCATED IN THAT COUNTY, CITY,
9 VILLAGE, OR TOWNSHIP SHALL INCLUDE A PROVISION IN THE WRIT THAT IF

1 THE SHERIFF OR OTHER AUTHORIZED OFFICER WHO SERVES THE WRIT, IN
2 RESTORING THE PLAINTIFF TO POSSESSION OF THE PREMISES, REMOVES
3 PERSONAL PROPERTY FROM THE PREMISES, THE SHERIFF OR OFFICER SHALL
4 DEPOSIT THE PERSONAL PROPERTY AT THE LOCATION DESIGNATED IN THE
5 RESOLUTION OR ORDINANCE.

6 (3) A PERSON WHOSE PERSONAL PROPERTY HAS BEEN REMOVED UNDER
7 THIS SECTION TO A LOCATION DESIGNATED UNDER A RESOLUTION OR
8 ORDINANCE ADOPTED UNDER SUBSECTION (1) MAY RECOVER THE PERSONAL
9 PROPERTY IN ACCORDANCE WITH THE TERMS OF THE RESOLUTION OR
10 ORDINANCE.

11 (4) THE COURT MAY TAX THE COSTS OF THE SHERIFF OR OTHER
12 AUTHORIZED OFFICER RELATED TO THE DEPOSIT OF PERSONAL PROPERTY
13 UNDER THIS SECTION AGAINST THE DEFENDANT.