

# HOUSE BILL No. 5954

April 8, 2008, Introduced by Reps. Spade, Gonzales, Stahl, Wojno, Polidori, Byrnes, Simpson, Brown, Espinoza, Corriveau, Griffin, Rocca and Clemente and referred to the Committee on Judiciary.

A bill to amend 2004 PA 452, entitled  
"Identity theft protection act,"  
(MCL 445.61 to 445.77) by adding sections 74, 74a, 74b, 74c, and  
74d.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 74. THE FOLLOWING PROPERTY IS SUBJECT TO FORFEITURE UNDER  
2        THIS ACT:

3        (A) EQUIPMENT OF ANY KIND THAT IS USED OR INTENDED TO BE USED  
4        TO VIOLATE THIS ACT.

5        (B) EXCEPT AS PROVIDED IN SUBPARAGRAPHS (i) TO (iii), A  
6        CONVEYANCE, INCLUDING AN AIRCRAFT, VEHICLE, OR VESSEL USED OR  
7        INTENDED TO BE USED TO FACILITATE THE TRANSPORTATION OF PROPERTY  
8        DESCRIBED IN SUBDIVISION (A):

1           (i) A CONVEYANCE USED BY A PERSON AS A COMMON CARRIER IN THE  
2 TRANSACTION OF BUSINESS AS A COMMON CARRIER IS NOT SUBJECT TO  
3 FORFEITURE UNLESS THE OWNER OR OTHER PERSON IN CHARGE OF THE  
4 CONVEYANCE IS A CONSENTING PARTY OR PRIVY TO A VIOLATION OF THIS  
5 ACT.

6           (ii) A CONVEYANCE IS NOT SUBJECT TO FORFEITURE BY REASON OF ANY  
7 ACT OR OMISSION ESTABLISHED BY THE OWNER OF THAT CONVEYANCE TO HAVE  
8 BEEN COMMITTED OR OMITTED WITHOUT THE OWNER'S KNOWLEDGE OR CONSENT.

9           (iii) A FORFEITURE OF A CONVEYANCE ENCUMBERED BY A BONA FIDE  
10 SECURITY INTEREST IS SUBJECT TO THE INTEREST OF THE SECURED PARTY  
11 WHO NEITHER HAD KNOWLEDGE OF NOR CONSENTED TO THE ACT OR OMISSION.

12           (C) BOOKS, RECORDS, AND RESEARCH PRODUCTS AND MATERIALS,  
13 INCLUDING FORMULAS, MICROFILM, TAPES, AND DATA USED, OR INTENDED  
14 FOR USE, IN VIOLATION OF THIS ACT.

15           (D) ANY THING OF VALUE THAT IS FURNISHED OR INTENDED TO BE  
16 FURNISHED IN EXCHANGE FOR IDENTITY INFORMATION OBTAINED IN  
17 VIOLATION OF THIS ACT THAT IS USED OR INTENDED TO BE USED TO  
18 FACILITATE ANY VIOLATION OF THIS ACT, INCLUDING, BUT NOT LIMITED  
19 TO, MONEY, NEGOTIABLE INSTRUMENTS, OR SECURITIES. TO THE EXTENT OF  
20 THE INTEREST OF AN OWNER, A THING OF VALUE IS NOT SUBJECT TO  
21 FORFEITURE UNDER THIS SUBDIVISION BY REASON OF ANY ACT OR OMISSION  
22 THAT IS ESTABLISHED BY THE OWNER OF THE ITEM TO HAVE BEEN COMMITTED  
23 OR OMITTED WITHOUT THE OWNER'S KNOWLEDGE OR CONSENT. ANY MONEY THAT  
24 IS FOUND IN CLOSE PROXIMITY TO ANY PROPERTY THAT IS SUBJECT TO  
25 FORFEITURE UNDER SUBDIVISION (A), (B), OR (C) IS PRESUMED TO BE  
26 SUBJECT TO FORFEITURE UNDER THIS SUBDIVISION. THIS PRESUMPTION MAY  
27 BE REBUTTED BY CLEAR AND CONVINCING EVIDENCE.

1        SEC. 74A. PROPERTY THAT IS SUBJECT TO FORFEITURE UNDER THIS  
2 ACT MAY BE SEIZED UPON PROCESS ISSUED BY THE CIRCUIT COURT HAVING  
3 JURISDICTION OVER THE PROPERTY. SEIZURE WITHOUT PROCESS MAY BE MADE  
4 UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:

5        (A) INCIDENT TO A LAWFUL ARREST, PURSUANT TO A SEARCH WARRANT,  
6 OR PURSUANT TO AN INSPECTION UNDER AN ADMINISTRATIVE INSPECTION  
7 WARRANT.

8        (B) THE PROPERTY IS THE SUBJECT OF A PRIOR JUDGMENT IN FAVOR  
9 OF THIS STATE IN AN INJUNCTION OR FORFEITURE PROCEEDING UNDER THIS  
10 ACT.

11        (C) THERE IS PROBABLE CAUSE TO BELIEVE THAT THE PROPERTY IS  
12 DIRECTLY OR INDIRECTLY DANGEROUS TO HEALTH OR SAFETY.

13        (D) THERE IS PROBABLE CAUSE TO BELIEVE THAT THE PROPERTY WAS  
14 USED OR IS INTENDED TO BE USED IN VIOLATION OF THIS ACT.

15        SEC. 74B. (1) IF PROPERTY IS SEIZED UNDER SECTION 74A,  
16 FORFEITURE PROCEEDINGS SHALL BE INSTITUTED PROMPTLY. HOWEVER, IF  
17 THE PROPERTY IS SEIZED WITHOUT PROCESS AS PROVIDED UNDER SECTION  
18 74A, AND THE TOTAL VALUE OF THE PROPERTY SEIZED DOES NOT EXCEED  
19 \$50,000.00, THE FOLLOWING PROCEDURE SHALL BE USED:

20        (A) THE LOCAL UNIT OF GOVERNMENT THAT SEIZED THE PROPERTY OR,  
21 IF THE PROPERTY WAS SEIZED BY THE STATE, THE STATE SHALL NOTIFY THE  
22 OWNER OF THE PROPERTY THAT THE PROPERTY HAS BEEN SEIZED, AND THAT  
23 THE LOCAL UNIT OF GOVERNMENT OR, IF APPLICABLE, THE STATE INTENDS  
24 TO FORFEIT AND DISPOSE OF THE PROPERTY BY DELIVERING A WRITTEN  
25 NOTICE TO THE OWNER OF THE PROPERTY OR BY SENDING THE NOTICE TO THE  
26 OWNER BY CERTIFIED MAIL. IF THE NAME AND ADDRESS OF THE OWNER ARE  
27 NOT REASONABLY ASCERTAINABLE, OR DELIVERY OF THE NOTICE CANNOT BE

1 REASONABLY ACCOMPLISHED, THE NOTICE SHALL BE PUBLISHED IN A  
2 NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY IN WHICH THE  
3 PROPERTY WAS SEIZED, FOR 10 SUCCESSIVE PUBLISHING DAYS.

4 (B) UNLESS ALL CRIMINAL PROCEEDINGS INVOLVING OR RELATING TO  
5 THE PROPERTY HAVE BEEN COMPLETED, THE SEIZING AGENCY SHALL  
6 IMMEDIATELY NOTIFY THE PROSECUTING ATTORNEY FOR THE COUNTY IN WHICH  
7 THE PROPERTY WAS SEIZED OR, IF THE ATTORNEY GENERAL IS ACTIVELY  
8 HANDLING A CASE INVOLVING OR RELATING TO THE PROPERTY, THE ATTORNEY  
9 GENERAL OF THE SEIZURE OF THE PROPERTY AND THE INTENTION TO FORFEIT  
10 AND DISPOSE OF THE PROPERTY.

11 (C) ANY PERSON CLAIMING AN INTEREST IN PROPERTY THAT IS THE  
12 SUBJECT OF A NOTICE UNDER SUBDIVISION (A) MAY, WITHIN 20 DAYS AFTER  
13 RECEIPT OF THE NOTICE OR OF THE DATE OF THE FIRST PUBLICATION OF  
14 THE NOTICE, FILE A WRITTEN CLAIM SIGNED BY THE CLAIMANT WITH THE  
15 LOCAL UNIT OF GOVERNMENT OR THE STATE EXPRESSING HIS OR HER  
16 INTEREST IN THE PROPERTY. UPON THE FILING OF THE CLAIM AND THE  
17 GIVING OF A BOND TO THE LOCAL UNIT OF GOVERNMENT OR THE STATE IN  
18 THE AMOUNT OF 10% OF THE VALUE OF THE CLAIMED PROPERTY, BUT NOT  
19 LESS THAN \$250.00 OR GREATER THAN \$5,000.00, WITH SURETIES APPROVED  
20 BY THE LOCAL UNIT OF GOVERNMENT OR THE STATE CONTAINING THE  
21 CONDITION THAT IF THE PROPERTY IS ORDERED FORFEITED BY THE COURT  
22 THE OBLIGOR SHALL PAY ALL COSTS AND EXPENSES OF THE FORFEITURE  
23 PROCEEDINGS. THE LOCAL UNIT OF GOVERNMENT OR, IF APPLICABLE, THE  
24 STATE SHALL TRANSMIT THE CLAIM AND BOND WITH A LIST AND DESCRIPTION  
25 OF THE PROPERTY SEIZED TO THE ATTORNEY GENERAL, THE PROSECUTING  
26 ATTORNEY FOR THE COUNTY, OR THE CITY OR TOWNSHIP ATTORNEY FOR THE  
27 LOCAL UNIT OF GOVERNMENT IN WHICH THE SEIZURE WAS MADE. THE

1 ATTORNEY GENERAL, THE PROSECUTING ATTORNEY, OR THE CITY OR TOWNSHIP  
2 ATTORNEY SHALL PROMPTLY INSTITUTE FORFEITURE PROCEEDINGS AFTER THE  
3 EXPIRATION OF THE 20-DAY PERIOD. HOWEVER, UNLESS ALL CRIMINAL  
4 PROCEEDINGS INVOLVING OR RELATING TO THE PROPERTY HAVE BEEN  
5 COMPLETED, A CITY OR TOWNSHIP ATTORNEY SHALL NOT INSTITUTE  
6 FORFEITURE PROCEEDINGS WITHOUT THE CONSENT OF THE PROSECUTING  
7 ATTORNEY OR, IF THE ATTORNEY GENERAL IS ACTIVELY HANDLING A CASE  
8 INVOLVING OR RELATING TO THE PROPERTY, THE ATTORNEY GENERAL.

9 (D) IF NO CLAIM IS FILED OR BOND GIVEN WITHIN THE 20-DAY  
10 PERIOD AS DESCRIBED IN SUBDIVISION (C), THE LOCAL UNIT OF  
11 GOVERNMENT OR THE STATE SHALL DECLARE THE PROPERTY FORFEITED AND  
12 SHALL DISPOSE OF THE PROPERTY AS PROVIDED UNDER SECTION 74C.  
13 HOWEVER, UNLESS ALL CRIMINAL PROCEEDINGS INVOLVING OR RELATING TO  
14 THE PROPERTY HAVE BEEN COMPLETED, THE LOCAL UNIT OF GOVERNMENT OR  
15 THE STATE SHALL NOT DISPOSE OF THE PROPERTY UNDER THIS SUBDIVISION  
16 WITHOUT THE WRITTEN CONSENT OF THE PROSECUTING ATTORNEY OR, IF THE  
17 ATTORNEY GENERAL IS ACTIVELY HANDLING A CASE INVOLVING OR RELATING  
18 TO THE PROPERTY, THE ATTORNEY GENERAL.

19 (2) PROPERTY TAKEN OR DETAINED UNDER THIS ACT IS NOT SUBJECT  
20 TO AN ACTION TO RECOVER PERSONAL PROPERTY, BUT IS CONSIDERED TO BE  
21 IN THE CUSTODY OF THE SEIZING AGENCY SUBJECT ONLY TO THIS SECTION  
22 OR AN ORDER AND JUDGMENT OF THE COURT HAVING JURISDICTION OVER THE  
23 FORFEITURE PROCEEDINGS. WHEN PROPERTY IS SEIZED UNDER THIS ACT, THE  
24 SEIZING AGENCY MAY DO ANY OF THE FOLLOWING:

25 (A) PLACE THE PROPERTY UNDER SEAL.

26 (B) REMOVE THE PROPERTY TO A PLACE DESIGNATED BY THE COURT.

27 (C) REQUIRE THE ADMINISTRATOR TO TAKE CUSTODY OF THE PROPERTY

1 AND REMOVE IT TO AN APPROPRIATE LOCATION FOR DISPOSITION IN  
2 ACCORDANCE WITH LAW.

3 (D) DEPOSIT MONEY SEIZED UNDER THIS ACT INTO AN INTEREST-  
4 BEARING ACCOUNT IN A FINANCIAL INSTITUTION. AS USED IN THIS  
5 SUBDIVISION, "FINANCIAL INSTITUTION" MEANS A STATE OR NATIONALLY  
6 CHARTERED BANK OR A STATE OR FEDERALLY CHARTERED SAVINGS AND LOAN  
7 ASSOCIATION, SAVINGS BANK, OR CREDIT UNION WHOSE DEPOSITS ARE  
8 INSURED BY AN AGENCY OF THE UNITED STATES GOVERNMENT AND THAT  
9 MAINTAINS A PRINCIPAL OFFICE OR BRANCH OFFICE LOCATED IN THIS STATE  
10 UNDER THE LAWS OF THIS STATE OR THE UNITED STATES.

11 (3) TITLE TO REAL PROPERTY FORFEITED UNDER THIS ACT SHALL BE  
12 DETERMINED BY A COURT OF COMPETENT JURISDICTION. A FORFEITURE OF  
13 REAL PROPERTY ENCUMBERED BY A BONA FIDE SECURITY INTEREST IS  
14 SUBJECT TO THE INTEREST OF THE SECURED PARTY WHO NEITHER HAD  
15 KNOWLEDGE OF NOR CONSENTED TO THE ACT OR OMISSION.

16 (4) AN ATTORNEY FOR A PERSON WHO IS CHARGED WITH A CRIME  
17 INVOLVING OR RELATED TO THE MONEY SEIZED UNDER THIS ACT SHALL BE  
18 AFFORDED A PERIOD OF 60 DAYS WITHIN WHICH TO EXAMINE THAT MONEY.  
19 THIS 60-DAY PERIOD SHALL BEGIN TO RUN AFTER NOTICE IS GIVEN UNDER  
20 SUBSECTION (1) (A) BUT BEFORE THE MONEY IS DEPOSITED INTO A  
21 FINANCIAL INSTITUTION UNDER SUBSECTION (2) (D) . IF THE ATTORNEY  
22 GENERAL, PROSECUTING ATTORNEY, OR CITY OR TOWNSHIP ATTORNEY FAILS  
23 TO SUSTAIN HIS OR HER BURDEN OF PROOF IN FORFEITURE PROCEEDINGS  
24 UNDER THIS ACT, THE COURT SHALL ORDER THE RETURN OF THE MONEY,  
25 INCLUDING ANY INTEREST EARNED ON MONEY DEPOSITED INTO A FINANCIAL  
26 INSTITUTION UNDER SUBSECTION (2) (D) .

27 SEC. 74C. (1) WHEN PROPERTY IS FORFEITED UNDER THIS ACT, THE

1 LOCAL UNIT OF GOVERNMENT THAT SEIZED THE PROPERTY MAY DO ANY OF THE  
2 FOLLOWING, OR IF THE PROPERTY IS SEIZED BY OR IN THE CUSTODY OF THE  
3 STATE, THE STATE MAY DO ANY OF THE FOLLOWING, SUBJECT TO SECTION  
4 74B(1)(D):

5 (A) RETAIN IT FOR OFFICIAL USE.

6 (B) SELL THAT WHICH IS NOT REQUIRED TO BE DESTROYED BY LAW AND  
7 WHICH IS NOT HARMFUL TO THE PUBLIC. THE PROCEEDS AND ANY MONEY,  
8 NEGOTIABLE INSTRUMENTS, SECURITIES, OR ANY OTHER THING OF VALUE AS  
9 DESCRIBED IN SECTION 74 THAT ARE FORFEITED UNDER THIS ACT SHALL BE  
10 DEPOSITED WITH THE TREASURER OF THE ENTITY HAVING BUDGETARY  
11 AUTHORITY OVER THE SEIZING AGENCY AND APPLIED AS FOLLOWS:

12 (i) FOR THE PAYMENT OF PROPER EXPENSES OF THE PROCEEDINGS FOR  
13 FORFEITURE AND SALE, INCLUDING EXPENSES INCURRED DURING THE SEIZURE  
14 PROCESS, MAINTENANCE OF CUSTODY, ADVERTISING, AND COURT COSTS,  
15 EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4).

16 (ii) THE BALANCE REMAINING AFTER THE PAYMENT OF EXPENSES SHALL  
17 BE DISTRIBUTED BY THE COURT HAVING JURISDICTION OVER THE FORFEITURE  
18 PROCEEDINGS TO THE TREASURER OF THE ENTITY HAVING BUDGETARY  
19 AUTHORITY OVER THE SEIZING AGENCY. IF MORE THAN 1 AGENCY WAS  
20 SUBSTANTIALLY INVOLVED IN EFFECTING THE FORFEITURE, THE COURT  
21 HAVING JURISDICTION OVER THE FORFEITURE PROCEEDING SHALL EQUITABLY  
22 DISTRIBUTE THE MONEY AMONG THE TREASURERS OF THE ENTITIES HAVING  
23 BUDGETARY AUTHORITY OVER THE SEIZING AGENCIES. A SEIZING AGENCY MAY  
24 DIRECT THAT THE FUNDS OR A PORTION OF THE FUNDS IT WOULD OTHERWISE  
25 HAVE RECEIVED UNDER THIS SUBSECTION BE PAID TO NONPROFIT  
26 ORGANIZATIONS WHOSE PRIMARY ACTIVITY IS TO ASSIST LAW ENFORCEMENT  
27 AGENCIES WITH IDENTITY THEFT CRIMINAL INVESTIGATIONS AND OBTAINING

1 INFORMATION FOR SOLVING CRIMES. THE MONEY RECEIVED BY A SEIZING  
2 AGENCY UNDER THIS SUBPARAGRAPH AND ALL INTEREST AND OTHER EARNINGS  
3 ON MONEY RECEIVED BY THE SEIZING AGENCY UNDER THIS SUBPARAGRAPH  
4 SHALL BE USED TO ENHANCE LAW ENFORCEMENT EFFORTS PERTAINING TO THIS  
5 ACT, AS APPROPRIATED BY THE ENTITY HAVING BUDGETARY AUTHORITY OVER  
6 THE SEIZING AGENCY.

7 (C) REQUIRE THE ADMINISTRATOR TO TAKE CUSTODY OF THE PROPERTY  
8 AND REMOVE IT FOR DISPOSITION IN ACCORDANCE WITH LAW.

9 (D) FORWARD IT TO THE BUREAU FOR DISPOSITION.

10 (2) IN THE COURSE OF SELLING REAL PROPERTY UNDER SUBSECTION  
11 (1) (B), THE COURT THAT HAS ENTERED AN ORDER OF FORFEITURE MAY, ON  
12 MOTION OF THE AGENCY TO WHOM THE PROPERTY HAS BEEN FORFEITED,  
13 APPOINT A RECEIVER TO DISPOSE OF THE REAL PROPERTY FORFEITED. THE  
14 RECEIVER SHALL BE ENTITLED TO REASONABLE COMPENSATION. THE RECEIVER  
15 MAY DO 1 OR MORE OF THE FOLLOWING:

16 (A) LIST THE FORFEITED REAL PROPERTY FOR SALE.

17 (B) MAKE WHATEVER ARRANGEMENTS ARE NECESSARY FOR THE  
18 MAINTENANCE AND PRESERVATION OF THE FORFEITED REAL PROPERTY.

19 (C) ACCEPT OFFERS TO PURCHASE THE FORFEITED REAL PROPERTY.

20 (D) EXECUTE INSTRUMENTS TRANSFERRING TITLE TO THE FORFEITED  
21 REAL PROPERTY.

22 (4) IF A COURT ENTERS AN ORDER OF FORFEITURE, THE COURT MAY  
23 ORDER A PERSON WHO CLAIMED AN INTEREST IN THE FORFEITED PROPERTY  
24 UNDER SECTION 74B(1) (C) TO PAY THE EXPENSES OF THE PROCEEDINGS OF  
25 FORFEITURE TO THE ENTITY HAVING BUDGETARY AUTHORITY OVER THE  
26 SEIZING AGENCY.

27 SEC. 74D. (1) BEFORE FEBRUARY 1 OF EACH YEAR, EACH LOCAL UNIT



1 OF GOVERNMENT THAT HAD FORFEITURE PROCEEDINGS PENDING IN THE  
2 CIRCUIT COURT UNDER SECTION 74B; OR EFFECTUATED A FORFEITURE OF  
3 PROPERTY UNDER SECTION 74B WITHOUT A FORFEITURE PROCEEDING IN THE  
4 CIRCUIT COURT; OR RECEIVED MONEY, NEGOTIABLE INSTRUMENTS,  
5 SECURITIES, OR ANY OTHER THING OF VALUE UNDER SECTION 74C DURING  
6 THE FISCAL YEAR FOR THE LOCAL UNIT OF GOVERNMENT ENDING IN THE  
7 IMMEDIATELY PRECEDING CALENDAR YEAR SHALL SUBMIT A REPORT TO THE  
8 STATE ATTORNEY GENERAL FOR ANALYSIS AND TRANSMITTAL TO THE  
9 SECRETARY OF THE SENATE AND THE CLERK OF THE HOUSE OF  
10 REPRESENTATIVES. THE ANNUAL REPORT SHALL BE A SUMMARY OF THE LOCAL  
11 UNIT OF GOVERNMENT'S ACTIVITIES REGARDING THE FORFEITURE OF  
12 PROPERTY UNDER THIS ACT FOR THE FISCAL YEAR AND SHALL CONTAIN THE  
13 FOLLOWING INFORMATION, AS APPLICABLE:

14 (A) THE NUMBER OF FORFEITURE PROCEEDINGS THAT WERE INSTITUTED  
15 IN THE CIRCUIT COURT BY THE LOCAL UNIT OF GOVERNMENT.

16 (B) THE NUMBER OF FORFEITURE PROCEEDINGS INSTITUTED BY THE  
17 LOCAL UNIT OF GOVERNMENT THAT WERE CONCLUDED IN THE CIRCUIT COURT.

18 (C) THE NUMBER OF ALL FORFEITURE PROCEEDINGS INSTITUTED BY THE  
19 LOCAL UNIT OF GOVERNMENT THAT WERE PENDING IN THE CIRCUIT COURT AT  
20 THE END OF THE YEAR.

21 (D) THE NUMBER OF FORFEITURES ACCOMPLISHED BY THE LOCAL UNIT  
22 OF GOVERNMENT WITHOUT FILING A FORFEITURE PROCEEDING IN THE CIRCUIT  
23 COURT.

24 (E) THE NET TOTAL PROCEEDS OF ALL PROPERTY FORFEITED UNDER  
25 THIS ACT THROUGH FORFEITURES INSTITUTED BY THE LOCAL UNIT OF  
26 GOVERNMENT THAT THE LOCAL UNIT OF GOVERNMENT IS REQUIRED TO ACCOUNT  
27 FOR AND REPORT TO THE STATE TREASURER PURSUANT TO EITHER OF THE

1 FOLLOWING, AS APPLICABLE:

2 (i) 1919 PA 71, MCL 21.41 TO 21.55.

3 (ii) THE UNIFORM BUDGETING AND ACCOUNTING ACT, 1968 PA 2, MCL  
4 141.421 TO 141.440A.

5 (F) AN INVENTORY OF PROPERTY RECEIVED BY THE LOCAL UNIT OF  
6 GOVERNMENT UNDER SECTION 74C, INCLUDING, BUT NOT LIMITED TO, ALL OF  
7 THE FOLLOWING:

8 (i) ALL OF THE FOLLOWING REAL PROPERTY:

9 (A) SINGLE-FAMILY RESIDENTIAL.

10 (B) MULTIPLE-FAMILY RESIDENTIAL.

11 (C) INDUSTRIAL.

12 (D) COMMERCIAL.

13 (E) AGRICULTURAL.

14 (ii) ANY TYPE OF CONVEYANCE DESCRIBED IN SECTION 74, INCLUDING  
15 THE YEAR, MAKE, AND MODEL.

16 (iii) MONEY, NEGOTIABLE INSTRUMENTS, AND SECURITIES.

17 (iv) THE TOTAL VALUE OF PERSONAL PROPERTY, EXCLUDING PERSONAL  
18 PROPERTY DESCRIBED IN SUBPARAGRAPHS (ii) AND (iii).

19 (G) A STATEMENT EXPLAINING HOW THE MONEY RECEIVED BY THE LOCAL  
20 UNIT OF GOVERNMENT UNDER SECTION 74C(1)(B)(ii) HAS BEEN USED OR IS  
21 BEING USED TO ENHANCE THE LAW ENFORCEMENT EFFORTS PERTAINING TO  
22 THIS ACT.

23 (2) THE RECORDS OF A LOCAL UNIT OF GOVERNMENT DESCRIBED IN  
24 SUBSECTION (1) REGARDING THE FORFEITURE OF PROPERTY UNDER THIS ACT  
25 SHALL BE AUDITED IN ACCORDANCE WITH 1 OF THE FOLLOWING, AS  
26 APPLICABLE:

27 (A) 1919 PA 71, MCL 21.41 TO 21.55.

1           (B) THE UNIFORM BUDGETING AND ACCOUNTING ACT, 1968 PA 2, MCL  
2   141.421 TO 141.440A.

3           (3) THE RECORDS OF A LOCAL UNIT OF GOVERNMENT DESCRIBED IN  
4   SUBSECTION (1) REGARDING THE FORFEITURE OF PROPERTY UNDER THIS ACT  
5   MAY BE AUDITED BY AN AUDITOR OF THE LOCAL UNIT OF GOVERNMENT.