

HOUSE BILL No. 4325

February 18, 2009, Introduced by Reps. Spade, DeShazor, Lemmons, Tlaib, Leland, Switalski and Bauer 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 14, 14a, 14b, 14c, and 14d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 14. 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 COMMIT A FELONY VIOLATION OF 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, TO COMMIT A FELONY 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 A FELONY
17 VIOLATION OF THIS ACT OR THAT IS USED OR INTENDED TO BE USED TO
18 FACILITATE ANY FELONY VIOLATION OF THIS ACT, INCLUDING, BUT NOT
19 LIMITED TO, MONEY, NEGOTIABLE INSTRUMENTS, OR SECURITIES. TO THE
20 EXTENT OF THE INTEREST OF AN OWNER, A THING OF VALUE IS NOT SUBJECT
21 TO FORFEITURE UNDER THIS SUBDIVISION BY REASON OF ANY ACT OR
22 OMISSION THAT IS ESTABLISHED BY THE OWNER OF THE ITEM TO HAVE BEEN
23 COMMITTED OR OMITTED WITHOUT THE OWNER'S KNOWLEDGE OR CONSENT. ANY
24 MONEY THAT IS FOUND IN CLOSE PROXIMITY TO ANY PROPERTY THAT IS
25 SUBJECT TO FORFEITURE UNDER SUBDIVISION (A), (B), OR (C) IS
26 PRESUMED TO BE SUBJECT TO FORFEITURE UNDER THIS SUBDIVISION. THIS
27 PRESUMPTION MAY BE REBUTTED BY CLEAR AND CONVINCING EVIDENCE.

1 SEC. 14A. 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 TO COMMIT A FELONY VIOLATION OF THIS
15 ACT.

16 SEC. 14B. (1) IF PROPERTY IS SEIZED UNDER SECTION 14A,
17 FORFEITURE PROCEEDINGS SHALL BE INSTITUTED PROMPTLY. HOWEVER, IF
18 THE PROPERTY IS SEIZED WITHOUT PROCESS AS PROVIDED UNDER SECTION
19 14A, AND THE TOTAL VALUE OF THE PROPERTY SEIZED DOES NOT EXCEED
20 \$50,000.00, THE FOLLOWING PROCEDURE SHALL BE USED:

21 (A) THE LOCAL UNIT OF GOVERNMENT THAT SEIZED THE PROPERTY OR,
22 IF THE PROPERTY WAS SEIZED BY THE STATE, THE STATE SHALL NOTIFY THE
23 OWNER OF THE PROPERTY THAT THE PROPERTY HAS BEEN SEIZED, AND THAT
24 THE LOCAL UNIT OF GOVERNMENT OR, IF APPLICABLE, THE STATE INTENDS
25 TO FORFEIT AND DISPOSE OF THE PROPERTY BY DELIVERING A WRITTEN
26 NOTICE TO THE OWNER OF THE PROPERTY OR BY SENDING THE NOTICE TO THE
27 OWNER BY CERTIFIED MAIL. IF THE NAME AND ADDRESS OF THE OWNER ARE

1 NOT REASONABLY ASCERTAINABLE, OR DELIVERY OF THE NOTICE CANNOT BE
2 REASONABLY ACCOMPLISHED, THE NOTICE SHALL BE PUBLISHED IN A
3 NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY IN WHICH THE
4 PROPERTY WAS SEIZED, FOR 10 SUCCESSIVE PUBLISHING DAYS.

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

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

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

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

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

26 (A) PLACE THE PROPERTY UNDER SEAL.

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

1 (C) REQUIRE THE DEPARTMENT OF STATE POLICE TO TAKE CUSTODY OF
2 THE PROPERTY AND REMOVE IT TO AN APPROPRIATE LOCATION FOR
3 DISPOSITION IN ACCORDANCE WITH LAW.

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

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

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

1 SEC. 14C. (1) WHEN PROPERTY IS FORFEITED UNDER THIS ACT, THE
2 LOCAL UNIT OF GOVERNMENT THAT SEIZED THE PROPERTY MAY DO ANY OF THE
3 FOLLOWING, OR IF THE PROPERTY IS SEIZED BY OR IN THE CUSTODY OF THE
4 STATE, THE STATE MAY DO ANY OF THE FOLLOWING, SUBJECT TO SECTION
5 14B(1)(D):

6 (A) RETAIN IT FOR OFFICIAL USE.

7 (B) SELL THAT WHICH IS NOT REQUIRED TO BE DESTROYED BY LAW AND
8 WHICH IS NOT HARMFUL TO THE PUBLIC. THE PROCEEDS AND ANY MONEY,
9 NEGOTIABLE INSTRUMENTS, SECURITIES, OR ANY OTHER THING OF VALUE AS
10 DESCRIBED IN SECTION 14 THAT ARE FORFEITED UNDER THIS ACT SHALL BE
11 DEPOSITED WITH THE TREASURER OF THE ENTITY HAVING BUDGETARY
12 AUTHORITY OVER THE SEIZING AGENCY AND APPLIED AS FOLLOWS:

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

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

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

8 (C) FORWARD IT TO THE DEPARTMENT OF STATE POLICE FOR
9 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 (3) 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 14B(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. 14D. (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 14B; OR EFFECTUATED A FORFEITURE OF
3 PROPERTY UNDER SECTION 14B WITHOUT A FORFEITURE PROCEEDING IN THE
4 CIRCUIT COURT; OR RECEIVED MONEY, NEGOTIABLE INSTRUMENTS,
5 SECURITIES, OR ANY OTHER THING OF VALUE UNDER SECTION 14C 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 14C, 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 14, 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 14C(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.

6 Enacting section 1. This amendatory act takes effect November
7 1, 2009.