

SENATE BILL No. 1175

February 25, 2010, Introduced by Senator CHERRY and referred to the Committee on Judiciary.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 7524 (MCL 333.7524), as amended by 2006 PA 558.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7524. (1) When property is forfeited under this article,
2 the local unit of government that seized the property may do any of
3 the following, or if the property is seized by or in the custody of
4 the state, the state may do any of the following, subject to
5 section 7523(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 7521(1)(f) that are forfeited ~~pursuant to~~

1 **UNDER** this article shall be deposited with the treasurer of the
2 entity having budgetary authority over the seizing agency and
3 applied as follows:

4 (i) For the payment of proper expenses of the proceedings for
5 forfeiture and sale, including expenses incurred during the seizure
6 process, maintenance of custody, advertising, and court costs,
7 except as otherwise provided in subsection (4).

8 (ii) The balance remaining after the payment of expenses
9 **DESCRIBED UNDER SUBPARAGRAPH (i)** shall be distributed by the court
10 having jurisdiction over the forfeiture proceedings to the
11 treasurer of the entity having budgetary authority over the seizing
12 agency. If more than 1 agency was substantially involved in
13 effecting the forfeiture, the court having jurisdiction over the
14 forfeiture proceeding shall equitably distribute the money among
15 the treasurers of the entities having budgetary authority over the
16 seizing agencies. A seizing agency may direct that the funds or a
17 portion of the funds it would otherwise have received under this
18 subsection be paid to nonprofit organizations whose primary
19 activity is to assist law enforcement agencies with drug-related
20 criminal investigations and obtaining information for solving
21 crimes. The money received by a seizing agency under this
22 subparagraph and all interest and other earnings on money received
23 by the seizing agency under this subparagraph shall be used ~~to~~
24 ~~enhance~~**FOR** law enforcement efforts ~~pertaining to this article~~
25 **OPERATIONS**, as appropriated by the entity having budgetary
26 authority over the seizing agency. A distribution made under this
27 subparagraph shall serve as a supplement to, and not a replacement

1 for, the funds budgeted on January 1, 1991, for law enforcement
2 efforts pertaining to this article.

3 (c) Require the administrator to take custody of the property
4 and remove it for disposition in accordance with law.

5 (d) Forward it to the bureau for disposition.

6 (2) Notwithstanding subsection (1), this state or local units
7 of government may donate lights for plant growth or scales
8 forfeited under this article to elementary or secondary schools or
9 institutions of higher education that request in writing to receive
10 those lights or scales ~~pursuant to~~ **UNDER** this subsection, for
11 educational purposes. This state or local units of government shall
12 donate lights and scales ~~pursuant to~~ **UNDER** this subsection to
13 elementary or secondary schools or institutions of higher education
14 in the order in which the written requests are received. This state
15 or local units of government may limit the number of lights and
16 scales available to each requestor.

17 (3) In the course of selling real property ~~pursuant to~~ **UNDER**
18 subsection (1)(b), the court that has entered an order of
19 forfeiture may, on motion of the agency to whom the property has
20 been forfeited, appoint a receiver to dispose of the real property
21 forfeited. The receiver shall be entitled to reasonable
22 compensation. The receiver shall have authority to do all of the
23 following:

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

25 (b) Make whatever arrangements are necessary for the
26 maintenance and preservation of the forfeited real property.

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

1 (d) Execute instruments transferring title to the forfeited
2 real property.

3 (4) If a court enters an order of forfeiture, the court may
4 order a person who claimed an interest in the forfeited property
5 ~~pursuant to~~ **UNDER** section 7523(1)(c) to pay the expenses of the
6 proceedings of forfeiture to the entity having budgetary authority
7 over the seizing agency.