

HOUSE BILL No. 4361

March 19, 2015, Introduced by Reps. Irwin, Faris, Liberati and Geiss and referred to the Committee on Judiciary.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding sections 7521a and 7521b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 7521A. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION
2 (2), PROPERTY MAY BE SEIZED AS PROVIDED IN SECTION 7522 FOR A
3 VIOLATION OF THIS ARTICLE, BUT IS NOT SUBJECT TO FORFEITURE UNDER
4 SECTION 7521 OR DISPOSITION UNDER SECTION 7524 UNLESS 1 OF THE
5 FOLLOWING APPLIES:

6 (A) THE PERSON IS CONVICTED OF A VIOLATION OF THIS ARTICLE.

7 (B) THE PERSON FAILS TO CLAIM ANY INTEREST IN THE PROPERTY
8 UNDER SECTION 7523.

9 (2) SUBSECTION (1) DOES NOT PROHIBIT THE IMMEDIATE DESTRUCTION
10 OF PROPERTY THAT CANNOT BE LAWFULLY POSSESSED BY ANY PERSON OR THAT
11 IS DANGEROUS TO THE HEALTH OR SAFETY OF THE PUBLIC REGARDLESS OF

1 WHETHER THE PERSON IS CONVICTED OF A VIOLATION OF THIS ARTICLE.

2 (3) THIS SECTION APPLIES TO FORFEITURE PROCEEDINGS THAT ARE
3 PENDING ON, OR INITIATED ON OR AFTER, JANUARY 1, 2016.

4 SEC. 7521B. ANY PUBLIC OFFICER OF THIS STATE OR OF A LOCAL
5 UNIT OF GOVERNMENT WHO NEGOTIATES FOR FORFEITURE IN VIOLATION OF
6 THIS SECTION, OR WHO AUTHORIZES OR PARTICIPATES IN THAT
7 NEGOTIATION, IS GUILTY OF MISFEASANCE IN OFFICE.

8 Enacting section 1. This amendatory act takes effect January
9 1, 2016.