

# SENATE BILL No. 416

May 31, 2017, Introduced by Senators ROCCA, JONES, CONYERS, BIEDA, HERTEL, O'BRIEN and KNOLLENBERG and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled  
"The Michigan penal code,"  
by amending section 49 (MCL 750.49), as amended by 2006 PA 129.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1       Sec. 49. (1) As used in this section: ~~"animal"~~
- 2       (A) "ANIMAL" means a vertebrate other than a human BEING.
- 3       (B) "ANIMAL CONTROL AGENCY" MEANS AN ANIMAL CONTROL SHELTER,
- 4 AN ANIMAL PROTECTION SHELTER, OR A LAW ENFORCEMENT AGENCY. AS USED
- 5 IN THIS SUBDIVISION, "ANIMAL CONTROL SHELTER" AND "ANIMAL
- 6 PROTECTION SHELTER" MEAN THOSE TERMS AS DEFINED IN SECTION 1 OF
- 7 1969 PA 287, MCL 287.331.
- 8       (2) A person shall not knowingly do any of the following:
- 9       (a) Own, possess, use, buy, sell, offer to buy or sell,

1 import, or export an animal for fighting or baiting, or as a target  
2 to be shot at as a test of skill in marksmanship.

3 (b) Be a party to or cause the fighting, baiting, or shooting  
4 of an animal as described in subdivision (a).

5 (c) Rent or otherwise obtain the use of a building, shed,  
6 room, yard, ground, ~~or~~ premises, **VEHICLE, OR ANY OTHER VENUE** for  
7 fighting, baiting, or shooting an animal as described in  
8 subdivision (a).

9 (d) Permit the use of a building, shed, room, yard, ground, ~~or~~  
10 premises, **VEHICLE, OR ANY OTHER VENUE** belonging to him or her or  
11 under his or her control for any of the purposes described in this  
12 section.

13 (e) Organize, promote, or collect money for the fighting,  
14 baiting, or shooting of an animal as described in subdivisions (a)  
15 to (d).

16 (f) Be present at a building, shed, room, yard, ground, ~~or~~  
17 premises, **VEHICLE, OR ANY OTHER VENUE** where preparations are being  
18 made for an exhibition described in subdivisions (a) to (d), or be  
19 present at the exhibition, knowing that an exhibition is taking  
20 place or about to take place.

21 (g) Breed, buy, sell, offer to buy or sell, exchange, import,  
22 or export an animal the person knows has been trained or used for  
23 fighting as described in subdivisions (a) to (d), or breed, buy,  
24 sell, offer to buy or sell, exchange, import, or export the  
25 offspring of an animal the person knows has been trained or used  
26 for fighting as described in subdivisions (a) to (d). This  
27 subdivision does not prohibit owning, breeding, buying, selling,

1 offering to buy or sell, exchanging, importing, or exporting an  
2 animal for agricultural or agricultural exposition purposes. **THIS**  
3 **SUBDIVISION DOES NOT PROHIBIT AN ANIMAL CONTROL AGENCY FROM OWNING,**  
4 **ADOPTING, OR TRANSFERRING OWNERSHIP OF AN ANIMAL FOR THE PURPOSE OF**  
5 **ADOPTION OF AN ANIMAL TRAINED OR USED FOR FIGHTING AS DESCRIBED IN**  
6 **SUBDIVISIONS (A) TO (D) OR AN ANIMAL THAT IS THE FIRST- OR SECOND-**  
7 **GENERATION OFFSPRING OF AN ANIMAL TRAINED OR USED FOR FIGHTING AS**  
8 **DESCRIBED IN SUBDIVISIONS (A) TO (D). IF AN ANIMAL IS FOUND FIT FOR**  
9 **PLACEMENT AND IS TRANSFERRED OR ADOPTED, THE ANIMAL CONTROL AGENCY**  
10 **THAT TRANSFERS OR ADOPTS THE ANIMAL SHALL DO ALL OF THE FOLLOWING:**

11 (i) STERILIZE THE ANIMAL OR COLLECT A GOOD-FAITH DEPOSIT FOR  
12 STERILIZATION AS REQUIRED UNDER SECTION 8A OF 1969 PA 287, MCL  
13 287.338A.

14 (ii) PROVIDE A COPY OF THE ANIMAL'S HISTORY, INCLUDING, BUT  
15 NOT LIMITED TO, A DESCRIPTION OF WHY THE ANIMAL WAS SEIZED,  
16 VETERINARY RECORDS, AND A COPY OF SUBSECTIONS (8) TO (14) TO THE  
17 PERSON TO WHOM THE ANIMAL IS TRANSFERRED OR ADOPTED.

18 (h) Own, possess, use, buy, sell, offer to buy or sell,  
19 transport, or deliver any device or equipment intended for use in  
20 the fighting, baiting, or shooting of an animal as described in  
21 subdivisions (a) to (d).

22 (3) A person who violates subsection (2)(a) to (e) is guilty  
23 of a felony punishable by 1 or more of the following:

24 (a) Imprisonment for not more than 4 years.

25 (b) A fine of not less than \$5,000.00 or more than \$50,000.00.

26 (c) Not less than 500 or more than 1,000 hours of community  
27 service.

1 (4) A person who violates subsection (2)(f) to (h) is guilty  
2 of a felony punishable by 1 or more of the following:

3 (a) Imprisonment for not more than 4 years.

4 (b) A fine of not less than \$1,000.00 or more than \$5,000.00.

5 (c) Not less than 250 or more than 500 hours of community  
6 service.

7 (5) The court may order a person convicted of violating this  
8 section to pay the costs of prosecution.

9 (6) The court may order a person convicted of violating this  
10 section to pay the costs for **INVESTIGATING THE VIOLATION OF THIS**  
11 **SECTION, DISPOSITION OF THE ANIMAL, AND** housing and caring for the  
12 animal, including, but not limited to, providing veterinary medical  
13 treatment. **AS USED IN THIS SUBSECTION, "DISPOSITION" INCLUDES THE**  
14 **TRANSFER, EUTHANASIA, OR ADOPTION OF AN ANIMAL.**

15 (7) As part of the sentence for a violation of subsection (2),  
16 the court shall order the person convicted not to own or possess an  
17 animal of the same species involved in the violation of this  
18 section for 5 years after the date of sentencing. Failure to comply  
19 with the order of the court pursuant to this subsection is  
20 punishable as contempt of court.

21 (8) If a person incites an animal trained or used for fighting  
22 or an animal that is the ~~first~~-**FIRST**- or ~~second~~-**SECOND**-generation  
23 offspring of an animal trained or used for fighting to attack a  
24 person and ~~thereby~~-**THE ATTACK** causes the death of that person, the  
25 owner is guilty of a felony punishable by imprisonment for life or  
26 for a term of years greater than 15 years.

27 (9) If a person incites an animal trained or used for fighting

1 or an animal that is the ~~first~~-**FIRST**- or ~~second~~-**SECOND**-generation  
2 offspring of an animal trained or used for fighting to attack a  
3 person, but the attack does not result in the death of the person,  
4 the owner is guilty of a felony punishable by imprisonment for not  
5 more than 4 years or a fine of not more than \$2,000.00, or both.

6 (10) If an animal trained or used for fighting or an animal  
7 that is the ~~first~~-**FIRST**- or ~~second~~-**SECOND**-generation offspring of  
8 an animal trained or used for fighting attacks a person without  
9 provocation and causes the death of that person, the owner of the  
10 animal is guilty of a felony punishable by imprisonment for not  
11 more than 15 years.

12 (11) If an animal trained or used for fighting or an animal  
13 that is the ~~first~~-**FIRST**- or ~~second~~-**SECOND**-generation offspring of  
14 an animal trained or used for fighting attacks a person without  
15 provocation, but the attack does not cause the death of the person,  
16 the owner is guilty of a misdemeanor punishable by imprisonment for  
17 not more than 1 year or a fine of not more than \$1,000.00, or both.

18 (12) Subsections (8) to (11) do not apply if the person  
19 attacked was committing or attempting to commit an unlawful act on  
20 the property of the owner of the animal.

21 (13) If an animal trained or used for fighting or an animal  
22 that is the ~~first~~-**FIRST**- or ~~second~~-**SECOND**-generation offspring of a  
23 dog trained or used for fighting goes beyond the property limits of  
24 its owner without being securely restrained, the owner is guilty of  
25 a misdemeanor punishable by imprisonment for not more than 90 days  
26 or a fine of not less than \$50.00 nor more than \$500.00, or both.

27 (14) If an animal trained or used for fighting or an animal

1 that is the ~~first~~**FIRST-** or ~~second~~**SECOND**-generation offspring of a  
2 dog trained or used for fighting is not securely enclosed or  
3 restrained on the owner's property, the owner is guilty of a  
4 misdemeanor punishable by imprisonment for not more than 90 days or  
5 a fine of not more than \$500.00, or both.

6 (15) Subsections (8) to (14) do not apply to any of the  
7 following:

8 (a) A dog trained or used for fighting, or the ~~first~~**FIRST-** or  
9 ~~second~~**SECOND**-generation offspring of a dog trained or used for  
10 fighting, that is used by a law enforcement agency of ~~the~~**THIS**  
11 state or a county, city, village, or township.

12 (b) A certified leader dog recognized and trained by a  
13 national guide dog association for the blind or for persons with  
14 disabilities.

15 (c) A corporation licensed under the private security business  
16 and security alarm act, 1968 PA 330, MCL 338.1051 to ~~338.1083,~~  
17 **338.1092**, when a dog trained or used for fighting, or the ~~first~~  
18 **FIRST-** or ~~second~~**SECOND**-generation offspring of a dog trained or  
19 used for fighting, is used in accordance with the private security  
20 business and security alarm act, 1968 PA 330, MCL 338.1051 to  
21 ~~338.1083~~**338.1092**.

22 (16) ~~An~~**EXCEPT AS PROVIDED IN SUBSECTION (20), AN** animal that  
23 has been used to fight in violation of this section or that is  
24 involved in a violation of subsections (8) to (14) ~~shall~~**MUST** be  
25 confiscated ~~as contraband~~ by a law enforcement officer and ~~shall~~  
26 **MUST** not be returned to the owner, trainer, or possessor of the  
27 animal. The animal ~~shall~~**MUST** be taken to a local ~~humane society or~~

1 ~~either animal welfare~~ CONTROL agency. If an animal owner, trainer,  
2 or possessor is convicted of violating subsection (2) or  
3 subsections (8) to (14), the court shall award the animal involved  
4 in the violation to the ~~local humane society or other animal~~  
5 ~~welfare~~ CONTROL agency FOR EVALUATION AND DISPOSITION.

6 (17) AN ANIMAL CONTROL AGENCY TAKING CUSTODY OF AN ANIMAL  
7 UNDER SUBSECTION (16) SHALL GIVE NOTICE WITHIN 72 HOURS AFTER  
8 SEIZURE OF THE ANIMAL BY REGISTERED MAIL TO THE LAST KNOWN ADDRESS  
9 OF THE ANIMAL'S OWNER, IF THE OWNER OF THE ANIMAL IS KNOWN. IF THE  
10 OWNER OF THE ANIMAL IS UNKNOWN, AN ANIMAL CONTROL AGENCY TAKING  
11 CUSTODY OF AN ANIMAL UNDER SUBSECTION (16) SHALL GIVE NOTICE WITHIN  
12 72 HOURS AFTER SEIZURE OF THE ANIMAL BY 1 OF THE FOLLOWING METHODS:

13 (A) POSTING AT THE LOCATION OF THE SEIZURE.

14 (B) DELIVERY TO A PERSON RESIDING AT THE LOCATION OF THE  
15 SEIZURE.

16 (C) REGISTERED MAIL TO THE LOCATION OF THE SEIZURE.

17 (18) THE NOTICE REQUIRED UNDER SUBSECTION (17) MUST INCLUDE  
18 ALL OF THE FOLLOWING:

19 (A) A DESCRIPTION OF EACH ANIMAL SEIZED.

20 (B) THE TIME, DATE, LOCATION, AND DESCRIPTION OF CIRCUMSTANCES  
21 UNDER WHICH THE ANIMAL WAS SEIZED.

22 (C) THE ADDRESS AND TELEPHONE NUMBER OF THE LOCATION WHERE THE  
23 ANIMAL IS BEING HELD AND CONTACT INFORMATION FOR THE INDIVIDUAL  
24 PRESENT AT THAT LOCATION FROM WHOM SECURITY DEPOSIT OR BOND  
25 INFORMATION MAY BE OBTAINED.

26 (D) A STATEMENT THAT THE OWNER OR POSSESSOR OF THE ANIMAL MAY  
27 POST A SECURITY DEPOSIT OR BOND THAT MAY PREVENT THE FORFEITURE OF

1 THE ANIMAL FOR THE DURATION OF THE CRIMINAL, FORFEITURE, OR OTHER  
2 COURT PROCEEDING UNTIL THE COURT MAKES A FINAL DETERMINATION  
3 REGARDING THE ANIMAL'S DISPOSITION, THAT FAILURE TO POST A SECURITY  
4 DEPOSIT OR BOND WITHIN 14 DAYS AFTER THE DATE ON THE NOTICE WILL  
5 RESULT IN FORFEITURE OF THE ANIMAL, AND THAT THE OWNER OR POSSESSOR  
6 OF THE ANIMAL MAY, BEFORE THE EXPIRATION OF THE 14-DAY PERIOD  
7 DESCRIBED IN THIS SUBDIVISION, REQUEST A HEARING ON WHETHER THE  
8 REQUIREMENT TO POST A SECURITY DEPOSIT OR BOND IS JUSTIFIED OR  
9 WHETHER THE COST ASSOCIATED WITH THE SECURITY DEPOSIT OR BOND IS  
10 FAIR AND REASONABLE FOR THE CARE OF AND PROVISION FOR THE SEIZED  
11 ANIMAL. NOTICE OF A REQUEST FOR A HEARING UNDER THIS SUBSECTION  
12 SHALL BE SERVED ON THE ANIMAL CONTROL AGENCY HOLDING THE ANIMAL  
13 BEFORE THE EXPIRATION OF THE 14-DAY PERIOD DESCRIBED IN THIS  
14 SUBSECTION. AT A HEARING ON WHETHER THE REQUIREMENT TO POST A  
15 SECURITY DEPOSIT OR BOND IS JUSTIFIED, THE PROSECUTING ATTORNEY HAS  
16 THE BURDEN TO ESTABLISH BY A PREPONDERANCE OF THE EVIDENCE THAT A  
17 VIOLATION OF THIS SECTION OCCURRED. IF THE COURT FINDS THAT THE  
18 PROSECUTING ATTORNEY HAS MET ITS BURDEN, THE ANIMAL WILL BE  
19 FORFEITED TO THE ANIMAL CONTROL AGENCY THAT SEIZED THE ANIMAL  
20 UNLESS THE OWNER OR POSSESSOR OF THE ANIMAL POSTS THE REQUIRED  
21 SECURITY DEPOSIT OR BOND. AN OWNER OR POSSESSOR'S FAILURE TO APPEAR  
22 AT A SCHEDULED HEARING REQUESTED UNDER THIS SUBDIVISION WILL RESULT  
23 IN AUTOMATIC FORFEITURE OF THE ANIMAL IF THE DATE OF THE SCHEDULED  
24 HEARING IS MORE THAN 14 DAYS AFTER THE DATE ON THE NOTICE DESCRIBED  
25 IN THIS SUBSECTION.

26 (E) A STATEMENT THAT THE OWNER OR POSSESSOR OF THE ANIMAL IS  
27 RESPONSIBLE FOR ALL COSTS DESCRIBED IN SUBSECTION (6), UNLESS THE



1 COURT DETERMINES THAT THE SEIZURE OF THE ANIMAL WAS NOT  
2 SUBSTANTIALLY JUSTIFIED BY LAW.

3 (19) AN ANIMAL CONTROL AGENCY THAT HAS CUSTODY OF A SEIZED  
4 ANIMAL UNDER SUBSECTION (16) SHALL HOLD THE ANIMAL FOR A PERIOD OF  
5 14 CONSECUTIVE DAYS, INCLUDING WEEKENDS AND HOLIDAYS, BEGINNING ON  
6 THE DATE NOTICE WAS GIVEN UNDER SUBSECTION (17). AFTER THE  
7 EXPIRATION OF THE 14 DAYS, IF THE OWNER OR A POSSESSOR OF THE  
8 ANIMAL HAS NOT POSTED A SECURITY DEPOSIT OR BOND AS PROVIDED IN  
9 SUBSECTION (20), THE ANIMAL IS FORFEITED, AND THE ANIMAL CONTROL  
10 AGENCY MAY DISPOSE OF THE ANIMAL BY ADOPTION, TRANSFER TO ANOTHER  
11 ANIMAL CONTROL AGENCY, OR HUMANE EUTHANASIA.

12 (20) THE OWNER OR POSSESSOR OF AN ANIMAL SEIZED UNDER  
13 SUBSECTION (16) MAY PREVENT FORFEITURE AND DISPOSITION OF THE  
14 ANIMAL BY AN ANIMAL CONTROL AGENCY FOR THE DURATION OF THE  
15 CRIMINAL, FORFEITURE, OR OTHER COURT PROCEEDING UNTIL THE COURT  
16 MAKES A FINAL DETERMINATION REGARDING THE ANIMAL'S DISPOSITION BY  
17 POSTING A SECURITY DEPOSIT OR BOND WITH THE COURT WITHIN 14 DAYS  
18 AFTER THE DATE ON THE NOTICE DESCRIBED IN SUBSECTION (18). THE BOND  
19 MUST BE IN A SUFFICIENT AMOUNT TO SECURE PAYMENT OF ALL COSTS  
20 DESCRIBED IN SUBSECTION (6) DURING A 30-DAY PERIOD OF BOARDING AND  
21 VETERINARY TREATMENT OF THE ANIMAL AFTER EXAMINATION BY A LICENSED  
22 VETERINARIAN. THE ANIMAL CONTROL AGENCY SHALL DETERMINE THE AMOUNT  
23 OF THE BOND NO LATER THAN 72 HOURS AFTER THE SEIZURE OF THE ANIMAL,  
24 AND SHALL MAKE THE AMOUNT OF THE BOND AVAILABLE TO THE OWNER OR  
25 POSSESSOR OF THE ANIMAL UPON REQUEST. THE OWNER OR POSSESSOR OF THE  
26 ANIMAL SHALL PROVIDE PROOF OF THE SECURITY DEPOSIT OR BOND TO THE  
27 ANIMAL CONTROL AGENCY NO LATER THAN 14 DAYS AFTER THE DATE ON THE

1 NOTICE DESCRIBED IN SUBSECTION (18).

2 (21) AN ANIMAL CONTROL AGENCY THAT IS HOLDING OR REQUIRING TO  
3 BE HELD A SEIZED ANIMAL AS PROVIDED IN THIS SECTION MAY DRAW ON A  
4 SECURITY DEPOSIT OR BOND POSTED UNDER SUBSECTION (20) OR (22) TO  
5 COVER THE ACTUAL REASONABLE COSTS INCURRED IN THE SEIZURE, CARE,  
6 KEEPING, AND DISPOSITION OF THE ANIMAL AS DESCRIBED IN SUBSECTION  
7 (6) FROM THE DATE OF THE SEIZURE TO THE DATE OF THE OFFICIAL  
8 DISPOSITION OF THE ANIMAL IN THE CRIMINAL ACTION.

9 (22) IF A SECURITY DEPOSIT OR BOND HAS BEEN POSTED UNDER  
10 SUBSECTION (20), AND TRIAL IN THE CRIMINAL ACTION DOES NOT OCCUR  
11 WITHIN THE INITIAL 30-DAY BOND PERIOD OR IS CONTINUED TO A LATER  
12 DATE, THE OWNER OR POSSESSOR SHALL POST AN ADDITIONAL SECURITY  
13 DEPOSIT OR BOND IN AN AMOUNT DETERMINED SUFFICIENT TO COVER THE  
14 COSTS DESCRIBED IN SUBSECTION (6) AS ANTICIPATED TO BE INCURRED BY  
15 THE ANIMAL CONTROL AGENCY CARING FOR THE ANIMAL. THE ADDITIONAL  
16 SECURITY DEPOSIT OR BOND MUST BE CALCULATED IN 30-DAY INCREMENTS  
17 AND CONTINUE UNTIL THE CRIMINAL ACTION IS RESOLVED. IF THE OWNER OR  
18 POSSESSOR OF THE ANIMAL FAILS TO POST A NEW SECURITY DEPOSIT OR  
19 BOND WITH THE COURT BEFORE THE PREVIOUS SECURITY DEPOSIT OR BOND  
20 EXPIRES, THE ANIMAL IS FORFEITED TO THE ANIMAL CONTROL AGENCY  
21 CARING FOR THE ANIMAL.

22 (23) IF THE OWNER OR POSSESSOR THAT POSTED A SECURITY DEPOSIT  
23 OR BOND UNDER SUBSECTION (20) OR (22) IS FOUND NOT GUILTY IN THE  
24 CRIMINAL ACTION, THE AMOUNT OF THE SECURITY DEPOSIT OR BOND POSTED  
25 TO PREVENT DISPOSITION OF THE ANIMAL MAY BE RETURNED TO THE OWNER  
26 OR POSSESSOR AT THE COURT'S DISCRETION, AND, SUBJECT TO SUBSECTIONS  
27 (25) AND (26), THE ANIMAL MUST BE RETURNED TO THE OWNER.

1           (24) IF A SECURITY DEPOSIT OR BOND IS POSTED BY AN OWNER OR  
 2 POSSESSOR OF AN ANIMAL UNDER SUBSECTION (20) OR (22) AND THE COURT  
 3 DETERMINES THAT THE ANIMAL IS A DANGEROUS ANIMAL OR LACKS ANY  
 4 USEFUL PURPOSE UNDER SUBSECTION (26), THE POSTING OF THE SECURITY  
 5 DEPOSIT OR BOND MUST NOT PREVENT DISPOSITION OF THE ANIMAL.

6           (25) ~~(17) Upon receiving an animal confiscated~~ **SEIZED** under  
 7 this section, or at any time thereafter, an ~~appointed veterinarian,~~  
 8 ~~the humane society, or other animal welfare~~ **CONTROL** agency may  
 9 humanely euthanize the animal **OR HAVE THE ANIMAL EUTHANIZED** if, in  
 10 the opinion of ~~that~~ **A LICENSED** veterinarian, ~~humane society, or~~  
 11 ~~other animal welfare agency,~~ the animal is injured or diseased past  
 12 recovery or the animal's continued existence is inhumane so that  
 13 euthanasia is necessary to relieve pain and suffering. **THIS**  
 14 **SUBSECTION APPLIES TO AN ANIMAL WHETHER OR NOT A SECURITY DEPOSIT**  
 15 **OR BOND HAS BEEN POSTED UNDER SUBSECTION (20) OR (22).**

16           (26) ~~(18) A humane society or other animal welfare~~ **AN ANIMAL**  
 17 **CONTROL** agency that receives an animal under this section ~~shall~~ **MAY**  
 18 apply to the district court or municipal court for a hearing to  
 19 determine whether the animal ~~shall~~ **MUST** be humanely euthanized  
 20 because of its lack of any useful purpose ~~and~~ **OR** the public safety  
 21 threat it poses. The court shall hold a hearing not more than 30  
 22 days after the filing of the application and shall give notice of  
 23 the hearing to the owner of the animal. Upon a finding by the court  
 24 that the animal lacks any useful purpose ~~and~~ **OR** poses a threat to  
 25 public safety, the ~~humane society or other animal welfare~~ **CONTROL**  
 26 agency shall humanely euthanize the animal **OR HAVE THE ANIMAL**  
 27 **EUTHANIZED.** Expenses incurred in connection with the housing, care,

upkeep, or euthanasia of the animal by ~~a humane society or other~~ **AN**  
 animal ~~welfare~~ **CONTROL** agency, or by a person, firm, partnership,  
 corporation, or other entity, ~~shall~~ **MAY, IN THE COURT'S DISCRETION,**  
 be assessed against the owner of the animal.

(27) ~~(19)~~ Subject to subsections (16), ~~to (18),~~ (25), **AND**  
 (26), all animals being used or to be used in fighting, equipment,  
 devices, and money involved in a violation of subsection (2) ~~shall~~  
**MUST** be forfeited to ~~the~~ **THIS** state. All other instrumentalities,  
 proceeds, and substituted proceeds of a violation of subsection (2)  
 are subject to forfeiture under chapter 47 of the revised  
 judicature act of 1961, 1961 PA 236, MCL 600.4701 to  
~~600.4709~~ **600.4710**.

(28) ~~(20)~~ The seizing agency may deposit money seized under  
 subsection ~~(19)~~ (27) into an interest-bearing account in a  
 financial institution. As used in this subsection, "financial  
 institution" means a state or nationally chartered bank or a state  
 or federally chartered savings and loan association, savings bank,  
 or credit union whose deposits are insured by an agency of the  
 United States government and that maintains a principal office or  
 branch office located in this state under the laws of this state or  
 the United States.

(29) ~~(21)~~ An attorney for a person who is charged with a  
 violation of subsection (2) involving or related to money seized  
 under subsection ~~(19)~~ ~~shall~~ (27) **MUST** be afforded a period of 60  
 days within which to examine that money. This 60-day period ~~shall~~  
**WILL** begin to run after notice of forfeiture is given but before  
 the money is deposited into a financial institution under

1 subsection ~~(20)~~ **(28)**. If the attorney general, prosecuting  
2 attorney, or city or township attorney fails to sustain his or her  
3 burden of proof in forfeiture proceedings under subsection ~~(19)~~,  
4 **(27)**, the court shall order the return of the money, including any  
5 interest earned on money deposited into a financial institution  
6 under subsection ~~(20)~~ **(28)**.

7 **(30)** ~~(22)~~ This section does not apply to conduct that is  
8 permitted by and is in compliance with any of the following:

9 (a) Part 401 of the natural resources and environmental  
10 protection act, 1994 PA 451, MCL 324.40101 to ~~324.40119~~ **324.40120**.

11 (b) Part 435 of the natural resources and environmental  
12 protection act, 1994 PA 451, MCL 324.43501 to 324.43561.

13 (c) Part 427 of the natural resources and environmental  
14 protection act, 1994 PA 451, MCL 324.42701 to 324.42714.

15 (d) Part 417 of the natural resources and environmental  
16 protection act, 1994 PA 451, MCL 324.41701 to 324.41712.

17 **(31)** ~~(23)~~ This section does not prohibit a person from being  
18 charged with, convicted of, or punished for any other violation of  
19 law that is committed by that person while violating this section.

20 Enacting section 1. This amendatory act takes effect 90 days  
21 after the date it is enacted into law.