

HOUSE BILL No. 5718

March 14, 2018, Introduced by Reps. Lilly, Camilleri, Leutheuser, Calley, Kesto, Maturen, Lucido, Howrylak, Kahle, Guerra, Chang, Liberati, Wittenberg, Hammoud, Robinson, Yaroach and LaGrand and referred to the Committee on Law and Justice.

A bill to amend 1979 PA 214, entitled

"An act to provide for the disposition and sale of certain stolen or abandoned property recovered or discovered within a city, village, or township; and to provide for the disposition of the proceeds of sale and certain other property,"

by amending sections 1 and 2 (MCL 434.181 and 434.182), section 1 as amended by 2006 PA 556 and section 2 as amended by 1984 PA 258.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. **(1)** Except as otherwise provided in this section, a
2 law enforcement agency of a city, village, or township that
3 recovers stolen property or discovers abandoned personal property
4 within the city, village, or township, which is unclaimed for 6
5 months after recovery or discovery, shall report the recovery or
6 discovery of that property, including money, to the city or village

1 council or township board of trustees and shall request authority
 2 to dispose of the property as provided in this act or to give the
 3 property to the sheriff of the county to dispose of as provided in
 4 1959 PA 54, MCL 434.171 to 434.174.

5 (2) If the property is an abandoned or stolen bicycle, the law
 6 enforcement agency may request authority from its governing body to
 7 donate the bicycle to a state licensed charitable organization.

8 (3) IF THE STOLEN PROPERTY OR ABANDONED PERSONAL PROPERTY IS
 9 NOT A WEAPON AND IS REUSABLE PROPERTY, THE LAW ENFORCEMENT AGENCY
 10 MAY REQUEST AUTHORITY FROM ITS GOVERNING BODY TO DONATE THE
 11 PROPERTY AS PROVIDED IN SECTION 2, TO AN ELIGIBLE RECIPIENT THAT,
 12 AT THE TIME OF THE DONATION, EXPECTS TO USE THE PROPERTY.

13 (4) AS USED IN THIS SECTION:

14 (A) "ELIGIBLE RECIPIENT" MEANS A CITY, VILLAGE, COUNTY,
 15 TOWNSHIP, SCHOOL DISTRICT, INTERMEDIATE SCHOOL DISTRICT,
 16 UNIVERSITY, COMMUNITY COLLEGE, PRIVATE NONPROFIT ORGANIZATION,
 17 PUBLIC SCHOOL ACADEMY, OR GOVERNMENTAL AUTHORITY, OR AN AGENCY OR
 18 DEPARTMENT OF A CITY, VILLAGE, COUNTY, TOWNSHIP, SCHOOL DISTRICT,
 19 INTERMEDIATE SCHOOL DISTRICT, OR A PRIVATE NONPROFIT ORGANIZATION.

20 (B) "PRIVATE NONPROFIT ORGANIZATION" MEANS A PRIVATE
 21 ORGANIZATION EXEMPT FROM TAXATION UNDER SECTION 501(C) (3) OF THE
 22 INTERNAL REVENUE CODE, 26 USC 501(C) (3).

23 Sec. 2. (1) The CITY OR village council or township board of
 24 trustees shall act upon the request of the law enforcement officer
 25 ~~within~~ **AGENCY UNDER SECTION 1** not less than 60 days **OR MORE THAN 6**
 26 **MONTHS** after the receipt of the request. ~~and not more than 6 months~~
 27 ~~after the receipt of the request.~~

1 (2) If the **CITY OR** village council or township board of
2 trustees authorizes the law enforcement officer to give the
3 property to the sheriff of the county, the law enforcement officer
4 shall deliver the property to the sheriff within 10 days.

5 (3) If the **CITY OR** village council or township board of
6 trustees authorizes the law enforcement officer to dispose of the
7 property ~~pursuant to~~ **THROUGH SALE UNDER** this act, the law
8 enforcement officer shall conduct a sale of the property ~~in the~~
9 ~~manner~~ **AS** provided in subsection (4).

10 (4) ~~The~~ **IF THE LAW ENFORCEMENT OFFICER IS AUTHORIZED TO**
11 **DISPOSE OF THE PROPERTY BY SALE, THE** law enforcement officer shall
12 publish a notice in a newspaper of general circulation in the
13 county not less than 5 days before the proposed sale of the
14 property. The notice ~~shall~~ **MUST** describe the property, including
15 money, and ~~shall~~ state the time and place of the public sale at
16 which the property may be purchased by the highest bidder. The law
17 enforcement officer may obtain an appraisal to determine whether
18 money, because of age, origin, metal content, or value as a
19 collector's item, has a value other than its face value. Money
20 ~~which~~ **THAT** does not have a value other than its face value ~~shall~~
21 **MUST** not be subject to the public sale provisions contained in this
22 section. Until the date of the sale, the property may be claimed at
23 the office of the law enforcement officer. If ownership of the
24 property is proved, the property ~~shall~~ **MUST** be turned over to the
25 owner and the sale ~~shall~~ **OF THAT PROPERTY MUST** be canceled. ~~insofar~~
26 ~~as the claimed property is concerned.~~

27 (5) **IF THE CITY OR VILLAGE COUNCIL OR TOWNSHIP BOARD OF**

1 TRUSTEES AUTHORIZES THE LAW ENFORCEMENT AGENCY TO DISPOSE OF THE
2 PROPERTY THROUGH DONATION, FOLLOWING A REQUEST UNDER SECTION 1(3),
3 THE LAW ENFORCEMENT AGENCY SHALL DONATE THE PROPERTY AS PROVIDED IN
4 SUBSECTION (6).

5 (6) IF THE LAW ENFORCEMENT AGENCY IS AUTHORIZED TO DISPOSE OF
6 THE PROPERTY BY DONATION, THE LAW ENFORCEMENT AGENCY SHALL PUBLISH
7 A NOTICE IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY NOT
8 LESS THAN 5 DAYS BEFORE THE PROPOSED DONATION OF THE PROPERTY. THE
9 NOTICE MUST DESCRIBE THE PROPERTY AND PROVIDE THE ADDRESS OF THE
10 OFFICE OF THE LAW ENFORCEMENT AGENCY AND THE DATE THE PROPERTY WILL
11 BE DONATED. BEFORE THE DATE PROVIDED IN THE NOTICE, THE PROPERTY
12 MAY BE CLAIMED AT THE OFFICE OF THE LAW ENFORCEMENT AGENCY. IF
13 OWNERSHIP OF THE PROPERTY IS PROVED, THE PROPERTY MUST BE TURNED
14 OVER TO THE OWNER AND THE DONATION OF THAT PROPERTY MUST BE
15 CANCELED.

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