

SUBSTITUTE FOR
HOUSE BILL NO. 4001

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 7523a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7523a. (1) If section 7521a applies to a forfeiture case
2 under this article, the seized property is subject to forfeiture
3 under section 7521, and a person has filed a claim as provided
4 under section 7523, a civil forfeiture action under this act must
5 be stayed during the pendency of the applicable criminal
6 proceedings. The civil forfeiture action must proceed after the
7 defendant is convicted of, or enters a guilty plea to, the offense
8 involved, or 1 or more of the events described in section 7521a(2)
9 applies.



1 (2) At the forfeiture hearing, the plaintiff must prove 1 or
2 both of the following, as applicable:

3 (a) The property is subject to forfeiture as provided in
4 section 7521(1).

5 (b) If a person, other than the person who has been convicted
6 of a violation of this article or entered into a plea agreement in
7 connection with a violation of this article as provided under
8 section 7521a(1), claims an ownership or security interest in the
9 property, that the person claiming the interest in the property had
10 prior knowledge of or consented to the commission of the crime.

11 (3) If the plaintiff fails to meet the burden of proof under
12 subsection (2), property seized under section 7522 must be returned
13 to the owner not more than 14 days from the date the court issues a
14 dispositive order.

15 (4) Except as otherwise provided in section 7521a, property
16 must be returned to the owner not more than 14 days after the
17 occurrence of any of the following:

18 (a) A warrant is not issued against a person for the
19 commission of a crime within 90 days after the property was seized.

20 (b) All charges against the person relating to the commission
21 of a crime are dismissed.

22 (c) The person charged with committing a crime is acquitted of
23 the crime.

24 (d) In the case of multiple defendants, all persons charged
25 with committing a crime are acquitted of the crime.

26 (e) Entry of a court order under this article for the return
27 of the property.

28 (5) A party to a forfeiture proceeding may seek an extension
29 of the time periods described in this section for good cause. The



1 court may grant a motion for an extension under this subsection for
2 good cause shown.

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

5 Enacting section 2. This amendatory act does not take effect
6 unless all of the following bills of the 100th Legislature are
7 enacted into law:

8 (a) Senate Bill No. 2.

9 (b) House Bill No. 4002.

