

HOUSE BILL NO. 4631

April 14, 2021, Introduced by Reps. Filler and Garza and referred to the Committee on Judiciary.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 7521a (MCL 333.7521a), as added by 2019 PA 7.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7521a. (1) Except as otherwise provided in this section,
2 property may be seized as provided in section 7522 for a violation
3 of this article, but is not subject to forfeiture under section
4 7521 or disposition under section 7524 unless a criminal proceeding
5 involving or relating to the property has been completed and the

1 defendant pleads guilty to or is convicted of a violation of this
2 article.

3 (2) A criminal conviction or guilty plea under subsection (1)
4 is not required if 1 or more of the following apply:

5 (a) No person claims any interest in the property as provided
6 under section 7523 or the owner of the property withdraws his or
7 her claim in the property.

8 (b) The owner of the property waives the criminal conviction
9 or plea requirement under subsection (1) and elects to proceed with
10 the civil forfeiture proceeding.

11 (c) A criminal charge has been filed and 1 or both of the
12 following apply:

13 (i) The defendant is outside this state and cannot reasonably
14 be extradited or brought back to the state for prosecution.

15 (ii) Reasonable efforts have been made by law enforcement
16 authorities to locate and arrest the defendant, but the defendant
17 has not been located.

18 (3) If a person withdraws his or her claim under subsection
19 (2)(a), the prosecuting attorney for the county in which the
20 property was seized or, if the attorney general is actively
21 handling a case involving or related to the property, the attorney
22 general, must review the seizure of the property and approve the
23 forfeiture of the property before the property may be forfeited.

24 (4) Subsection (1) does not prohibit the immediate destruction
25 of property that may not be lawfully possessed by any person or
26 that is dangerous to the health or safety of the public regardless
27 of whether the person is convicted of a violation of this article.

28 (5) This section applies to forfeiture proceedings that are
29 initiated on or after ~~the effective date of this amendatory~~

1 ~~act.~~ August 7, 2019.

2 (6) ~~This~~ Except as provided in subsection (7), this section
3 does not apply to forfeiture proceedings in which the aggregate
4 fair market value of the property and currency seized exceeds
5 \$50,000.00, excluding the value of contraband.

6 (7) This section does not apply to forfeiture proceedings in
7 which the aggregate fair market value of the property and currency
8 seized exceeds \$20,000.00, excluding the value of contraband, if
9 the forfeiture proceedings were initiated in connection with the
10 seizure of property by law enforcement officers appointed by a
11 public airport authority created under section 110 of the
12 aeronautics code of the state of Michigan, 1945 PA 327, MCL
13 259.110, or by a regional airport authority created under section
14 139 of the aeronautics code of the state of Michigan, 1945 PA 327,
15 MCL 259.139.