

Act No. 87
Public Acts of 2022
Approved by the Governor
May 26, 2022
Filed with the Secretary of State
May 26, 2022
EFFECTIVE DATE: May 26, 2022

**STATE OF MICHIGAN
101ST LEGISLATURE
REGULAR SESSION OF 2022**

Introduced by Reps. Garza and Filler

ENROLLED HOUSE BILL No. 4632

AN ACT to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending section 7523a (MCL 333.7523a), as added by 2019 PA 8.

The People of the State of Michigan enact:

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

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

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

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

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

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

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

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

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

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

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

(5) A party to a forfeiture proceeding may seek an extension of the time periods described in this section for good cause. The court may grant a motion for an extension under this subsection for good cause shown.

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

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor