

***** Act 214 of 1979 THIS TITLE, BEGINNING WITH THE FIRST INSTANCE OF "AN ACT", IS AMENDED EFFECTIVE MARCH 28, 2019: THIS AMENDED TITLE, BEGINNING WITH THE SECOND INSTANCE OF "AN ACT", IS EFFECTIVE MARCH 28, 2019 *****

STOLEN OR ABANDONED PROPERTY

Act 214 of 1979

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. AN ACT to provide for the disposition and sale of certain stolen or abandoned property recovered or discovered within a county, city, village, or township; and to provide for the disposition of the proceeds of sale and certain other property.

History: 1979, Act 214, Imd. Eff. Jan. 15, 1980;—Am. 1984, Act 258, Imd. Eff. Nov. 30, 1984;—Am. 2006, Act 556, Imd. Eff. Dec. 29, 2006;—Am. 2018, Act 546, Eff. Mar. 28, 2019.

The People of the State of Michigan enact:

***** 434.181 THIS SECTION IS AMENDED EFFECTIVE MARCH 28, 2019: See 434.181.amended *****

434.181 Recovery of stolen property or discovery of abandoned personal property; report; request for authority to dispose of property; donation of stolen or abandoned bicycle to charitable organization.

Sec. 1. Except as otherwise provided in this section, a law enforcement agency of a city, village, or township that recovers stolen property or discovers abandoned personal property within the city, village, or township, which is unclaimed for 6 months after recovery or discovery, shall report the recovery or discovery of that property, including money, to the city or village council or township board of trustees and shall request authority to dispose of the property as provided in this act or to give the property to the sheriff of the county to dispose of as provided in 1959 PA 54, MCL 434.171 to 434.174. If the property is an abandoned or stolen bicycle, the law enforcement agency may request authority from its governing body to donate the bicycle to a state licensed charitable organization.

History: 1979, Act 214, Imd. Eff. Jan. 15, 1980;—Am. 2006, Act 556, Imd. Eff. Dec. 29, 2006.

***** 434.181.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 28, 2019 *****

434.181.amended Recovery of stolen property or discovery of abandoned personal property; report; request for authority to dispose of property; donation of stolen or abandoned bicycle to charitable organization; donation of reusable property to eligible recipient.

Sec. 1. (1) Except as otherwise provided by law and in this section, a law enforcement agency that recovers stolen property or discovers abandoned personal property within the county, city, village, or township that is unclaimed for 6 months after recovery or discovery shall report the recovery or discovery of that property, including money, to the county board of commissioners, city or village council, or township board of trustees and shall request authority to dispose of the property as provided in this act. The law enforcement agency of a city, village, or township may request to give the property to the sheriff of the county to dispose of as provided in this act.

(2) If the property is an abandoned or stolen bicycle, the law enforcement agency may request authority from the county board of commissioners, city or village council, or township board of trustees to donate the bicycle to a state licensed charitable organization.

(3) If the stolen property or abandoned personal property is not a weapon and is reusable property, the law enforcement agency may request authority from the county board of commissioners, city or village council, or township board of trustees to donate the property as provided in section 2, to an eligible recipient that, at the time of the donation, expects to use the property.

History: 1979, Act 214, Imd. Eff. Jan. 15, 1980;—Am. 2006, Act 556, Imd. Eff. Dec. 29, 2006;—Am. 2018, Act 546, Eff. Mar. 28, 2019.

***** 434.181a.added THIS ADDED SECTION IS EFFECTIVE MARCH 28, 2019 *****

434.181a.added Definitions.

Sec. 1a. As used in this act:

Rendered Friday, March 29, 2019

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(a) "Eligible recipient" means a city, village, county, township, school district, intermediate school district, university, community college, private nonprofit organization, public school academy, or governmental authority, or an agency or department of a city, village, county, township, school district, intermediate school district, or a private nonprofit organization.

(b) "Law enforcement agency" means the sheriff of a county, or the law enforcement agency of a city, village, or township.

(c) "Private nonprofit organization" means a private organization exempt from taxation under section 501(c)(3) of the internal revenue code, 26 USC 501(c)(3).

History: Add. 2018, Act 546, Eff. Mar. 28, 2019.

***** 434.182 THIS SECTION IS AMENDED EFFECTIVE MARCH 28, 2019: See 434.182.amended *****

434.182 Action by village council or township board of trustees; delivery of property to sheriff; conducting sale of property; notice of sale; appraisal of money; claim by owner; cancellation of sale.

Sec. 2. (1) The village council or township board of trustees shall act upon the request of the law enforcement officer within not less than 60 days after the receipt of the request and not more than 6 months after the receipt of the request.

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

(3) If the village council or township board of trustees authorizes the law enforcement officer to dispose of the property pursuant to this act, the law enforcement officer shall conduct a sale of the property in the manner provided in subsection (4).

(4) The law enforcement officer shall publish a notice in a newspaper of general circulation in the county not less than 5 days before the proposed sale of the property. The notice shall describe the property, including money, and shall state the time and place of the public sale at which the property may be purchased by the highest bidder. The law enforcement officer may obtain an appraisal to determine whether money, because of age, origin, metal content, or value as a collector's item, has a value other than its face value. Money which does not have a value other than its face value shall not be subject to the public sale provisions contained in this section. Until the date of the sale, the property may be claimed at the office of the law enforcement officer. If ownership of the property is proved, the property shall be turned over to the owner and the sale shall be canceled insofar as the claimed property is concerned.

History: 1979, Act 214, Imd. Eff. Jan. 15, 1980;—Am. 1984, Act 258, Imd. Eff. Nov. 30, 1984.

***** 434.182.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 28, 2019 *****

434.182.amended Action by county board of commissioners, city or village council, or township board of trustees; delivery of property to sheriff; conducting sale of property; notice of sale or donation; appraisal of money; claim by owner; cancellation of sale or donation.

Sec. 2. (1) The county board of commissioners, city or village council, or township board of trustees shall act upon the request of the law enforcement agency under section 1 not less than 60 days or more than 6 months after the receipt of the request.

(2) If the city or village council or township board of trustees authorizes the law enforcement agency of the city, village, or township to give the property to the sheriff of the county, the agency shall deliver the property to the sheriff within 10 days.

(3) If the county board of commissioners, city or village council, or township board of trustees authorizes the law enforcement agency to dispose of the property through sale under this act, the law enforcement agency shall conduct a sale of the property as provided in subsection (4).

(4) If the law enforcement agency is authorized to dispose of the property by sale, the law enforcement agency shall publish a notice in a newspaper of general circulation in the county not less than 5 days before the proposed sale of the property. The notice must describe the property, including money, and state the time and place of the public sale at which the property may be purchased by the highest bidder. The law enforcement agency may obtain an appraisal to determine whether money, because of age, origin, metal content, or value as a collector's item, has a value other than its face value. Money that does not have a value other than its face value must not be subject to the public sale provisions contained in this section. Until the

date of the sale, the property may be claimed at the office of the law enforcement agency. If ownership of the property is proved, the property must be turned over to the owner and the sale of that property must be canceled.

(5) If the county board of commissioners, city or village council, or township board of trustees authorizes the law enforcement agency to dispose of the property through donation, following a request under section 1(3), the law enforcement agency shall donate the property as provided in subsection (6).

(6) If the law enforcement agency is authorized to dispose of the property by donation, the law enforcement agency shall publish a notice in a newspaper of general circulation in the county not less than 5 days before the proposed donation of the property. The notice must describe the property and provide the address of the office of the law enforcement agency and the date the property will be donated. Before the date provided in the notice, the property may be claimed at the office of the law enforcement agency. If ownership of the property is proved, the property must be turned over to the owner and the donation of that property must be canceled.

History: 1979, Act 214, Imd. Eff. Jan. 15, 1980;—Am. 1984, Act 258, Imd. Eff. Nov. 30, 1984;—Am. 2018, Act 546, Eff. Mar. 28, 2019.

***** 434.183 THIS SECTION IS AMENDED EFFECTIVE MARCH 28, 2019: See 434.183.amended *****

434.183 Sale of unclaimed property; disposition of proceeds.

Sec. 3. The law enforcement officer shall conduct the sale of the unclaimed property and shall deposit the proceeds of the sale, and money not subject to public sale, after deducting the cost of the sale, including reasonable appraisal fees, with the village or township treasurer to the credit of the village or township general fund.

History: 1979, Act 214, Imd. Eff. Jan. 15, 1980;—Am. 1984, Act 258, Imd. Eff. Nov. 30, 1984.

***** 434.183.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 28, 2019 *****

434.183.amended Sale of unclaimed property; disposition of proceeds.

Sec. 3. The law enforcement agency shall conduct a sale of the unclaimed property and shall deposit the proceeds of the sale, and money not subject to public sale, after deducting the cost of the sale, including reasonable appraisal fees, with the county, city, village, or township treasurer to the credit of the county, city, village, or township general fund.

History: 1979, Act 214, Imd. Eff. Jan. 15, 1980;—Am. 1984, Act 258, Imd. Eff. Nov. 30, 1984;—Am. 2018, Act 546, Eff. Mar. 28, 2019.

***** 434.184 THIS SECTION IS AMENDED EFFECTIVE MARCH 28, 2019: See 434.184.amended *****

434.184 Filing claim for property after sale; proof; payment to owner; time limitation; liability of law enforcement officer.

Sec. 4. (1) If, within 6 months after the sale, the owner of the property files with the village council or township board of trustees a claim for the property and proves a right to the property, the village council or township board of trustees shall direct the treasurer who received the proceeds of the sale of that property to pay the owner the amount of proceeds or the face value of money not subject to the public sale provision contained in this act. The village council or township board of trustees shall not approve any claims filed more than 6 months after the sale.

(2) A law enforcement officer disposing of property as provided in this act shall not be liable to the owner of that property.

History: 1979, Act 214, Imd. Eff. Jan. 15, 1980;—Am. 1984, Act 258, Imd. Eff. Nov. 30, 1984.

***** 434.184.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 28, 2019 *****

434.184.amended Filing claim for property after sale; proof; payment to owner; time limitation; liability of law enforcement agency.

Sec. 4. (1) If, within 6 months after the sale under section 2(4), the owner of the property files with the county board of commissioners, city or village council, or township board of trustees a claim for the property and proves a right to the property, the county board of commissioners, city or village council, or township board of trustees shall direct the treasurer who received the proceeds of the sale of that property to pay the

owner the amount of proceeds or the face value of money not subject to the public sale provision contained in this act. The county board of commissioners, city or village council, or township board of trustees shall not approve any claims filed more than 6 months after the sale.

(2) A law enforcement agency disposing of property as provided in this act is not liable to the owner of that property.

History: 1979, Act 214, Imd. Eff. Jan. 15, 1980;—Am. 1984, Act 258, Imd. Eff. Nov. 30, 1984;—Am. 2018, Act 546, Eff. Mar. 28, 2019.

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