

**PUBLIC EMPLOYEE RETIREMENT BENEFITS FORFEITURE ACT (EXCERPT)**  
**Act 350 of 1994**

**38.2704a Freezing of retirement benefit; court order; delivery to retirement system; "prosecuting agency" defined.**

Sec. 4a. (1) A retirement benefit subject to forfeiture under this act may be frozen pursuant to a freezing order issued by the court on a showing of probable cause that the retirement benefit is subject to forfeiture.

(2) On an ex parte application by the prosecuting agency, the court may determine ex parte whether there is probable cause to believe that a member's or retirant's retirement benefit is subject to forfeiture under this act and that notice to the member or retirant before a freezing of the retirement benefit would cause the loss of the retirement benefit subject to forfeiture under this act. If the court finds that there is probable cause to believe that the retirement benefit is subject to forfeiture and to believe that prior notice would cause loss of the retirement benefit, the court shall issue a freezing order freezing the retirement benefit.

(3) If a court enters a freezing order under this section, the clerk of the court shall deliver the freezing order to the retirement system.

(4) As used in this section, "prosecuting agency" means the attorney general of this state, or his or her designee, or the prosecuting attorney of a county, or his or her designee.

**History:** Add. 2017, Act 43, Eff. Sept. 5, 2017.