

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

600.4702 Property subject to seizure and forfeiture; exception; encumbrances; substituted proceeds of crime.

Sec. 4702. (1) Except as otherwise provided in this section, the following property is subject to seizure by, and forfeiture to, a local unit of government or this state under this chapter:

(a) All personal property that is the proceeds of a crime, the substituted proceeds of a crime, or an instrumentality of a crime.

(b) All real property that is the proceeds of a crime, the substituted proceeds of a crime, or an instrumentality of a crime, except real property that is the primary residence of the spouse or a dependent child of the owner, unless that spouse or dependent child had prior knowledge of, and consented to the commission of, the crime.

(c) In the case of a crime that is a violation of section 49, chapter LXVIIA, or chapter LXXXIII-A of the Michigan penal code, 1931 PA 328, MCL 750.49, 750.462a to 750.462h, and 750.543a to 750.543z, all property described in subdivisions (a) and (b), and all real property or personal property that performed 1 of the following functions:

(i) Contributed directly and materially to the commission of the crime.

(ii) Was used to conceal the crime.

(iii) Was used to escape from the scene of the crime.

(iv) Was used to conceal the identity of 1 or more of the individuals who committed the crime.

(2) Property is not subject to seizure or forfeiture if either of the following circumstances exists:

(a) The owner of the property did not have prior knowledge of, or consent to the commission of, the crime, if the lack of prior knowledge is not the result of the owner's willful blindness.

(b) Upon learning of the commission of the crime, the owner of the property served written and timely notice of the commission of the crime upon an appropriate law enforcement agency, and served a written and timely notice to quit upon the person who committed the crime.

(3) The forfeiture of property encumbered by a security interest is subject to the interest of the holder of the security interest who did not have prior knowledge of, or consent to the commission of, the crime.

(4) The forfeiture of property encumbered by an unpaid balance on a land contract is subject to the interest of the land contract vendor, if the vendor did not have prior knowledge of, or consent to the commission of, the crime.

(5) The forfeiture of the substituted proceeds of a crime is limited to the value of the proceeds of the crime in addition to both of the following:

(a) The amount by which any restitution or damages owed to the victim of the crime exceeds the value of the proceeds of the crime.

(b) The amount by which any reasonable expenses of the forfeiture proceedings and sale, including, but not limited to, expenses for maintaining custody of the property, as well as advertising and prosecution costs, exceeds the value of the proceeds of the crime.

History: Add. 1988, Act 104, Eff. June 1, 1988;—Am. 2002, Act 142, Eff. May 1, 2002;—Am. 2012, Act 350, Imd. Eff. Dec. 13, 2012;—Am. 2014, Act 333, Eff. Jan. 14, 2015.