

THE MICHIGAN PENAL CODE (EXCERPT)
Act 328 of 1931

750.159m Property subject to civil in rem forfeiture; exceptions; encumbrances; attorney fees.

Sec. 159m. (1) Except as otherwise provided in this section, all real, personal, or intangible property of a person convicted of a violation of section 159i that is the proceeds of racketeering, the substituted proceeds of racketeering, or an instrumentality of racketeering, is subject to civil in rem forfeiture to a local unit of government or the state under this section and sections 159n to 159q.

(2) Real property that is the primary residence of the spouse of the owner is not subject to civil in rem forfeiture under this section and sections 159n to 159q, unless that spouse had prior actual knowledge of, and consented to and participated in the commission of, the racketeering activity. Real property that is the primary residence of a dependent minor child of the owner is not subject to civil in rem forfeiture under this section and sections 159n to 159q.

(3) Property is not subject to civil in rem forfeiture if either of the following circumstances exists:

(a) The owner of the property did not have prior actual knowledge of the commission of the racketeering activity.

(b) The owner of the property served notice of the commission of the crime upon an appropriate law enforcement agency.

(4) The civil in rem 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 actual knowledge of the racketeering activity.

(5) The civil in rem forfeiture of property encumbered by an unpaid balance on a land contract is subject to the interest of the land contract vendor who did not have prior actual knowledge of the racketeering activity.

(6) Reasonable attorney fees for representation in an action under this chapter are not subject to civil in rem forfeiture under this chapter.

History: Add. 1995, Act 187, Eff. Apr. 1, 1996.