

THE MICHIGAN PENAL CODE (EXCERPT)
Act 328 of 1931

750.159o Notice requirements.

Sec. 159o. (1) Within 14 days after personal or intangible property is seized or a lien notice is filed against real property under section 159n, the prosecuting agency shall give notice pursuant to this section of the seizure of the property and the intent to forfeit and dispose of the property according to this chapter. This 14-day notice period is not jurisdictional. The prosecuting agency may move for an extension of the notice period for good cause shown. The prosecuting agency shall give the notice to each of the following persons:

- (a) If charges have been filed against a person for a crime, the person charged.
- (b) Each person known to have or appearing to have an ownership interest in the property.
- (c) Each mortgagee, person holding a security interest, or person having a lien that appears on the certificate of title or is on file with the secretary of state or appropriate register of deeds, if the property is real property, a mobile home, motor vehicle, watercraft, or other personal property.
- (d) Each holder of a preferred ship mortgage of record in the appropriate public office pursuant to chapter 313 of subtitle III of title 46 of the United States Code, if the property is a watercraft more than 28 feet long or a watercraft that has a capacity of 5 net tons or more.
- (e) Each person whose security interest is recorded with the appropriate public office pursuant to the federal aviation act of 1958, Public Law 85-726, 72 Stat. 731, if the property is an aircraft, aircraft engine, or aircraft propeller, or a part of an aircraft, aircraft engine, or aircraft propeller.
- (f) Each person known to have or appearing to have a security interest in the property.
- (g) Each victim of the crime.

(2) The notice required under subsection (1) shall be a written notice delivered to the person or sent to the person by certified mail. If the name and address of the person are not reasonably ascertainable or delivery of the notice cannot reasonably be accomplished, the notice shall be published in a newspaper of general circulation in the county in which the personal or intangible property was seized or the real property is located for 10 successive publishing days. Proof of written notice or publication shall be filed with the court having jurisdiction over the seizure or forfeiture.

(3) If personal or intangible property is seized, the seizing agency shall immediately notify the prosecuting agency of the seizure of the property and the intent to forfeit and dispose of the property according to this chapter.

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