

**SUBSTITUTE FOR  
HOUSE BILL NO. 5250**

A bill to create the uniform forfeiture reporting act; to require certain reports by reporting agencies regarding seized and forfeited property; to prescribe the powers and duties of certain local and state officials; to provide for certain fees and the expenditure of those fees; to require certain audits; to require certain reports by the department of state police; to provide for the withholding of law enforcement funds under certain circumstances; and to repeal acts and parts of acts.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 1. This act shall be known and may be cited as the  
2 "uniform forfeiture reporting act".

3       Sec. 2. (1) Subject to subsections (2) and (3), each reporting  
4 agency shall report on an annual basis to the department of state

1 police a summary of the reporting agency's activities for the  
2 fiscal year regarding the forfeiture of property under sections  
3 7521 to 7533 of the public health code, 1978 PA 368, MCL 333.7521  
4 to 333.7533, chapter 38 of the revised judicature act of 1961, 1961  
5 PA 236, MCL 600.3801 to 600.3840, and chapter 47 of the revised  
6 judicature act of 1961, 1961 PA 236, MCL 600.4701 to 600.4710. The  
7 annual report shall contain the following information, as  
8 applicable:

9 (a) The number of forfeiture proceedings that were instituted  
10 in the circuit court by the reporting agency.

11 (b) The number of forfeiture proceedings instituted by the  
12 reporting agency that were concluded in the circuit court.

13 (c) The number of all forfeiture proceedings instituted by the  
14 reporting agency that were pending in the circuit court at the end  
15 of the year.

16 (d) The number of forfeitures effectuated by the reporting  
17 agency without a forfeiture proceeding in the circuit court.

18 (e) The number of forfeiture proceedings subject to a plea or  
19 any other similar agreement involving the property owner and  
20 reporting agency.

21 (f) An inventory of property received by the reporting agency.  
22 Property shall be reported in accordance with each of the following  
23 categories:

24 (i) Residential real property.

25 (ii) Industrial or commercial real property.

26 (iii) Agricultural real property.

27 (iv) Money, negotiable instruments, and securities.

1 (v) Weapons.

2 (vi) Motor vehicles and other conveyances.

3 (viii) Other personal property of value.

4 (g) Each property inventoried under subdivision (f) shall  
5 include a description that contains the following information, as  
6 applicable:

7 (i) The date the property was seized.

8 (ii) The final disposition of the property, including the date  
9 the property was ordered forfeited, returned to its owner, or  
10 disposed of.

11 (iii) The estimated value of the property.

12 (iv) The violation or nuisance alleged to have been committed  
13 for which forfeiture is authorized.

14 (v) Whether any person was charged with the violation for  
15 which forfeiture is authorized and whether that person was  
16 ultimately convicted of that violation.

17 (vi) The number of claimants to the property.

18 (vii) Whether the forfeiture resulted from an adoptive seizure.

19 As used in this subdivision, "adoptive seizure" means that all of  
20 the following apply:

21 (A) The seizure resulted from a violation of state law and  
22 there is a federal basis for the forfeiture action.

23 (B) All of the preseizure activity and related investigations  
24 were performed by this state or the local reporting agency before a  
25 request was made to the federal government for adoption.

26 (C) The seizure did not result from a joint investigation or  
27 task force case.

1 (h) The net total proceeds of all property forfeited through  
2 actions instituted by the reporting agency that the reporting  
3 agency is required to account for and report to the state treasurer  
4 under either of the following, as applicable:

5 (i) 1919 PA 71, MCL 21.41 to 21.53.

6 (ii) The uniform budgeting and accounting act, 1968 PA 2, MCL  
7 141.421 to 141.440a.

8 (i) For forfeiture proceedings instituted under the public  
9 health code, 1978 PA 368, MCL 333.1101 to 333.25211:

10 (i) A statement explaining how any money received by the  
11 reporting agency under section 7524(1)(b)(ii) of the public health  
12 code, 1978 PA 368, MCL 333.7524, has been used or is being used to  
13 enhance the law enforcement efforts pertaining to article 7 of the  
14 public health code, 1978 PA 368, MCL 333.7101 to 333.7545.

15 (ii) A statement of the number of lights for plant growth or  
16 scales donated under section 7524(2) of the public health code,  
17 1978 PA 368, MCL 333.7524, the total value of those lights or  
18 scales, and the elementary or secondary schools or institutions of  
19 higher education to which they were donated.

20 (j) For nuisance proceedings instituted under chapter 38 of  
21 the revised judicature act of 1961, 1961 PA 236, MCL 600.3801 to  
22 600.3840, a statement explaining how net proceeds were directed  
23 under section 3835 of the revised judicature act of 1961, 1961 PA  
24 236, MCL 600.3835.

25 (k) For forfeiture proceedings instituted under chapter 47 of  
26 the revised judicature act of 1961, 1961 PA 236, MCL 600.4701 to  
27 600.4709, the amount of money received under section 4708(1)(f) of

1 the revised judicature act of 1961, 1961 PA 235, MCL 600.4708, that  
2 was used to enhance enforcement of criminal laws and the amount of  
3 money that was used to implement the crime victim's rights act.

4 (l) Any other information considered to be appropriate by the  
5 department of state police.

6 (2) Subsection (1) applies only to proceedings commenced on or  
7 after the effective date of this act.

8 (3) Subsection (1)(g) through (k) applies only to proceedings  
9 that have been finalized for purposes of appeal.

10 Sec. 3. A null report shall be filed under this act by a  
11 reporting agency that did not engage in any forfeitures during the  
12 reporting period.

13 Sec. 4. A reporting agency may use forfeiture proceeds to pay  
14 the reasonable costs associated with compiling, analyzing, and  
15 reporting data under this act.

16 Sec. 5. (1) The records of a reporting agency regarding the  
17 forfeiture of any property that is required to be reported under  
18 this act shall be audited in accordance with 1 of the following, as  
19 applicable:

20 (a) 1919 PA 71, MCL 21.41 to 21.55.

21 (b) The uniform budgeting and accounting act, 1968 PA 2, MCL  
22 141.421 to 141.440a.

23 (2) The records of a reporting agency regarding the forfeiture  
24 of any property required to be reported under this act may be  
25 audited by an auditor of the local unit of government.

26 Sec. 6. The department of state police shall compile the  
27 information reported to the department under sections 2 and 3. The

1 department shall file an annual report of its findings under this  
2 section with the secretary of the senate and with the clerk of the  
3 house of representatives and shall place a copy of the report on  
4 its departmental website. The report shall be filed not later than  
5 July 1 of each year. The report shall identify any state  
6 departments or agencies or local units of government that have  
7 failed to properly report the information required under sections 2  
8 and 3 with the department of state police.

9 Sec. 7. As used in this act:

10 (a) "Local unit of government" means a village, city,  
11 township, or county.

12 (b) "Reporting agency" means 1 of the following:

13 (i) If property is seized by or forfeited to a local unit of  
14 government, that local unit of government.

15 (ii) If property is seized by or forfeited to this state, the  
16 state department or agency effectuating the seizure or forfeiture.

17 Enacting section 1. Section 7524a of the public health code,  
18 1978 PA 368, MCL 333.7524a, is repealed.

19 Enacting section 2. This act does not take effect unless all  
20 of the following bills of the 97th Legislature are enacted into  
21 law:

22 (a) House Bill No. 5081.

23 (b) House Bill No. 5251.

24 (c) House Bill No. 5252.