

HOUSE BILL No. 5268

November 6, 2003, Introduced by Reps. Nofs, Stakoe, O'Neil, Dennis, Rivet, Sak, Plakas, Condino, Spade, Hunter, Hood, Smith, Accavitti, Wojno, Paletko, Murphy, Hopgood, Adamini, Brown, Sheltroun, Lipsey, Gleason, Meisner, LaJoy, Middaugh, Acciavatti, Garfield, Law, Elkins, McConico, Kolb, Williams, Gillard, Whitmer, Anderson, Gaffney, Hummel, Pappageorge, Ward, Moolenaar, Newell, Farhat, Steil, Amos, Pastor, Casperson, Stahl, Shaffer and Huizenga and referred to the Committee on Veterans Affairs and Homeland Security.

A bill to amend 1978 PA 368, entitled
 "Public health code,"
 by amending section 7524 (MCL 333.7524), as amended by 1994 PA
 8.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7524. (1) When property is forfeited under this
 2 article, ~~or pursuant to section 17766a,~~ the local unit of
 3 government that seized the property may do any of the following,
 4 or if the property is seized by or in the custody of the state,
 5 the state may do any of the following, subject to section
 6 7523(1)(d):

7 (a) Retain it for official use.

8 (b) Sell that which is not required to be destroyed by law
 9 and which is not harmful to the public. The proceeds and any
 10 money, negotiable instruments, securities, or any other thing of

1 value as described in section 7521(1)(f) that are forfeited
2 pursuant to this article shall be deposited with the treasurer of
3 the entity having budgetary authority over the seizing agency and
4 applied as follows:

5 (i) For the payment of proper expenses of the proceedings for
6 forfeiture and sale, including expenses incurred during the
7 seizure process, maintenance of custody, advertising, and court
8 costs, except as otherwise provided in subsection (4).

9 (ii) The balance remaining after the payment of expenses
10 shall be distributed by the court having jurisdiction over the
11 forfeiture proceedings to the treasurer of the entity having
12 budgetary authority over the seizing agency. If more than 1
13 agency was substantially involved in effecting the forfeiture,
14 the court having jurisdiction over the forfeiture proceeding
15 shall equitably distribute the money among the treasurers of the
16 entities having budgetary authority over the seizing agencies.
17 The money received under this subparagraph and all interest and
18 other earnings on money received under this subparagraph shall be
19 used to enhance law enforcement efforts pertaining to this
20 article or ~~section 17766a~~ **for homeland security**, as
21 appropriated by the entity having budgetary authority over the
22 seizing agency. ~~A distribution made under this subparagraph~~
23 ~~shall serve as a supplement to, and not a replacement for, the~~
24 ~~funds budgeted on January 1, 1991, for law enforcement efforts~~
25 ~~pertaining to this article or section 17766a.~~

26 (c) Require the administrator to take custody of the property
27 and remove it for disposition in accordance with law.

(d) Forward it to the bureau for disposition.

(2) Notwithstanding subsection (1), this state or local units of government may donate lights for plant growth or scales forfeited under this article ~~or section 17766a~~ to elementary or secondary schools or institutions of higher education that request in writing to receive those lights or scales pursuant to this subsection, for educational purposes. This state or local units of government shall donate lights and scales pursuant to this subsection to elementary or secondary schools or institutions of higher education in the order in which the written requests are received. This state or local units of government may limit the number of lights and scales available to each requestor.

(3) In the course of selling real property pursuant to subsection (1)(b), the court that has entered an order of forfeiture may, on motion of the agency to whom the property has been forfeited, appoint a receiver to dispose of the real property forfeited. The receiver shall be entitled to reasonable compensation. The receiver shall have authority to do all of the following:

(a) List the forfeited real property for sale.

(b) Make whatever arrangements are necessary for the maintenance and preservation of the forfeited real property.

(c) Accept offers to purchase the forfeited real property.

(d) Execute instruments transferring title to the forfeited real property.

(4) If a court enters an order of forfeiture, the court may

1 order a person who claimed an interest in the forfeited property
2 pursuant to section 7523(1)(c) to pay the expenses of the
3 proceedings of forfeiture to the entity having budgetary
4 authority over the seizing agency.

5 (5) Funds distributed under this section are supplemental to,
6 and shall not replace, funds otherwise budgeted to the seizing
7 agency for law enforcement purposes.

8 (6) As used in this section:

9 (a) "Act of terrorism" means that term as defined in section
10 543b of the Michigan penal code, 1931 PA 328, MCL 750.543b.

11 (b) "Homeland security" means both of the following:

12 (i) Protecting this state, the citizens of this state, and
13 public and private property from any act of terrorism.

14 (ii) Enforcing chapter LXXXIII-A of the Michigan penal code,
15 1931 PA 328, MCL 750.543a to 750.543z.

16 Enacting section 1. This amendatory act does not take
17 effect unless Senate Bill No. _____ or House Bill No. 5269
18 (request no. 05466'03) of the 92nd Legislature is enacted into
19 law.