

IDENTITY THEFT PROTECTION ACT (EXCERPT)
Act 452 of 2004

***** 445.79.added THIS ADDED SECTION IS EFFECTIVE APRIL 1, 2011 *****

445.79.added Property subject to forfeiture.

Sec. 19. (1) Except as provided in subsection (2), the following property is subject to forfeiture:

- (a) Any personal or real property that has been used, possessed, or acquired in a felony violation of this act.
 - (b) Except as provided in subparagraphs (i) to (iii), a conveyance, including an aircraft, vehicle, or vessel, used or intended for use to transport, or in any manner to facilitate the transportation of, for the purpose of sale or receipt, property described in subdivision (a):
 - (i) A conveyance used by a person as a common carrier in the transaction of business as a common carrier is not subject to forfeiture unless it is determined that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this act.
 - (ii) A conveyance is not subject to forfeiture by reason of any act or omission established by the owner of that conveyance to have been committed or omitted without the owner's knowledge or consent.
 - (iii) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party who neither had knowledge of nor consented to the act or omission.
 - (c) Books, records, computers, electronic equipment, and research products and materials, including microfilm, digital media, tapes, and data, used or intended for use in violation of this act.
 - (d) Any money, negotiable instruments, securities, or any other thing of value that is found in close proximity to any property that is subject to forfeiture under subdivision (a), (b), or (c) is presumed to be subject to forfeiture. This presumption may be rebutted by clear and convincing evidence.
- (2) Property used to commit a violation of this act is not subject to forfeiture unless the owner of the property actively participates in or consents to the violation of this act.
- (3) Property of any of the following providers is not subject to forfeiture under this act unless it is determined that the provider is a consenting party or privy to a violation of this act:
- (a) A telecommunication provider.
 - (b) An internet service provider.
 - (c) A computer network service provider.
 - (d) An interactive computer service provider.

History: Add. 2010, Act 315, Eff. Apr. 1, 2011.