

Criminal procedure; forfeiture; procedures for forfeiting property involved in certain drug violations; modify.
Criminal procedure: forfeiture

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding sections 7521a and 7521b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **SEC. 7521A. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION**
2 **(2), PROPERTY MAY BE SEIZED AS PROVIDED IN SECTION 7522 FOR A**
3 **VIOLATION OF THIS ARTICLE, BUT IS NOT SUBJECT TO FORFEITURE UNDER**
4 **SECTION 7521 OR DISPOSITION UNDER SECTION 7524 UNLESS 1 OF THE**
5 **FOLLOWING APPLIES:**

6 **(A) THE PERSON IS CONVICTED OF A VIOLATION OF THIS ARTICLE.**

7 **(B) THE PERSON FAILS TO CLAIM ANY INTEREST IN THE PROPERTY**
8 **UNDER SECTION 7523.**

9 **(2) SUBSECTION (1) DOES NOT PROHIBIT THE IMMEDIATE DESTRUCTION**
10 **OF PROPERTY THAT MAY NOT BE LAWFULLY POSSESSED BY ANY PERSON OR**



1 THAT IS DANGEROUS TO THE HEALTH OR SAFETY OF THE PUBLIC REGARDLESS
2 OF WHETHER THE PERSON IS CONVICTED OF A VIOLATION OF THIS ARTICLE.

3 (3) THIS SECTION APPLIES TO FORFEITURE PROCEEDINGS THAT ARE
4 PENDING ON, OR INITIATED ON OR AFTER, JANUARY 1, 2014.

5 SEC. 7521B. ANY PUBLIC OFFICER OF THIS STATE OR OF A LOCAL
6 UNIT GOVERNMENT WHO NEGOTIATES FOR FORFEITURE IN VIOLATION OF THIS
7 SECTION, OR WHO AUTHORIZES OR PARTICIPATES IN THAT NEGOTIATION, IS
8 GUILTY OF MISFEASANCE IN OFFICE.

9 Enacting section 1. This amendatory act takes effect January
10 1, 2014.