

HOUSE BILL No. 5212

January 8, 2014, Introduced by Reps. Irwin, McMillin, Santana, Robinson, Banks, Switalski and Kandrevas and referred to the Committee on Criminal Justice.

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.