

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 2

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 7521a. (1) Except as otherwise provided in this section,**
2 **property may be seized as provided in section 7522 for a violation**
3 **of this article, but is not subject to forfeiture under section**
4 **7521 or disposition under section 7524 unless a criminal proceeding**
5 **involving or relating to the property has been completed and the**
6 **defendant pleads guilty to or is convicted of a violation of this**
7 **article.**

8 **(2) A criminal conviction or guilty plea under subsection (1)**
9 **is not required if 1 or more of the following apply:**

1 (a) No person claims any interest in the property as provided
2 under section 7523 or the owner of the property withdraws his or
3 her claim in the property.

4 (b) The owner of the property waives the criminal conviction
5 or plea requirement under subsection (1) and elects to proceed with
6 the civil forfeiture proceeding.

7 (c) A criminal charge has been filed and 1 or both of the
8 following apply:

9 (i) The defendant is outside this state and cannot reasonably
10 be extradited or brought back to the state for prosecution.

11 (ii) Reasonable efforts have been made by law enforcement
12 authorities to locate and arrest the defendant, but the defendant
13 has not been located.

14 (3) If a person withdraws his or her claim under subsection
15 (2) (a), the prosecuting attorney for the county in which the
16 property was seized or, if the attorney general is actively
17 handling a case involving or related to the property, the attorney
18 general, must review the seizure of the property and approve the
19 forfeiture of the property before the property may be forfeited.

20 (4) Subsection (1) does not prohibit the immediate destruction
21 of property that may not be lawfully possessed by any person or
22 that is dangerous to the health or safety of the public regardless
23 of whether the person is convicted of a violation of this article.

24 (5) This section applies to forfeiture proceedings that are
25 initiated on or after the effective date of this amendatory act.

26 (6) This section does not apply to forfeiture proceedings in
27 which the aggregate fair market value of the property and currency
28 seized exceeds \$50,000.00, excluding the value of contraband.

29 Enacting section 1. This amendatory act takes effect 90 days

1 after the date it is enacted into law.

2 Enacting section 2. This amendatory act does not take effect
3 unless all of the following bills of the 100th Legislature are
4 enacted into law:

5 (a) House Bill No. 4001.

6 (b) House Bill No. 4002.