

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

333.7521a Civil asset forfeiture; conditions, requirements, and limitations; applicability.

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

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

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

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

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

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

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

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

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

(5) This section applies to forfeiture proceedings that are initiated on or after August 7, 2019.

(6) Except as provided in subsection (7), this section does not apply to forfeiture proceedings in which the aggregate fair market value of the property and currency seized exceeds \$50,000.00, excluding the value of contraband.

(7) This section does not apply to forfeiture proceedings in which the aggregate fair market value of the property and currency seized exceeds \$20,000.00, excluding the value of contraband, if the forfeiture proceedings were initiated in connection with the seizure of property by law enforcement officers appointed by a public airport authority created under section 110 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.110, or by a regional airport authority created under section 139 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.139.

History: Add. 2019, Act 7, Eff. Aug. 7, 2019;—Am. 2022, Act 86, Imd. Eff. May 26, 2022.

Popular name: Act 368