

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

***** 333.7523a.added THIS ADDED SECTION IS EFFECTIVE AUGUST 7, 2019 *****

333.7523a.added Stay of civil forfeiture during pending criminal proceedings; forfeiture hearing; burden of proof; return of property.

Sec. 7523a. (1) If section 7521a applies to a forfeiture case under this article, the seized property is subject to forfeiture under section 7521, and a person has filed a claim as provided under section 7523, a civil forfeiture action under this act must be stayed during the pendency of the applicable criminal proceedings. The civil forfeiture action must proceed after the defendant is convicted of, or enters a guilty plea to, the offense involved, or 1 or more of the events described in section 7521a(2) applies.

(2) At the forfeiture hearing, the plaintiff must prove 1 or both of the following, as applicable:

(a) The property is subject to forfeiture as provided in section 7521(1).

(b) If a person, other than the person who has been convicted of a violation of this article or entered into a plea agreement in connection with a violation of this article as provided under section 7521a(1), claims an ownership or security interest in the property, that the person claiming the interest in the property had prior knowledge of or consented to the commission of the crime.

(3) If the plaintiff fails to meet the burden of proof under subsection (2), property seized under section 7522 must be returned to the owner not more than 14 days from the date the court issues a dispositive order.

(4) Except as otherwise provided in section 7521a, property must be returned to the owner not more than 14 days after the occurrence of any of the following:

(a) A warrant is not issued against a person for the commission of a crime within 90 days after the property was seized.

(b) All charges against the person relating to the commission of a crime are dismissed.

(c) The person charged with committing a crime is acquitted of the crime.

(d) In the case of multiple defendants, all persons charged with committing a crime are acquitted of the crime.

(e) Entry of a court order under this article for the return of the property.

(5) A party to a forfeiture proceeding may seek an extension of the time periods described in this section for good cause. The court may grant a motion for an extension under this subsection for good cause shown.

History: Add. 2019, Act 8, Eff. Aug. 7, 2019.

Popular name: Act 368