

# HOUSE BILL No. 5872

June 12, 1990, Introduced by Reps. Maynard, DeBeaussiaert, Bennett, Griffin, Murphy and Scott and referred to the Committee on Appropriations.

A bill to amend section 7524 of Act No. 368 of the Public Acts of 1978, entitled as amended  
"Public health code,"  
as amended by Act No. 30 of the Public Acts of 1990, being section 333.7524 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 7524 of Act No. 368 of the Public Acts  
2 of 1978, as amended by Act No. 30 of the Public Acts of 1990,  
3 being section 333.7524 of the Michigan Compiled Laws, is amended  
4 to read as follows:

5 Sec. 7524. (1) When property is forfeited under this arti-  
6 cle or pursuant to section 17766a, the local unit of government  
7 that seized the property may do any of the following, or if the  
8 property is seized by or in the custody of the state, the state  
9 may do any of the following, subject to section 7523(1)(d):

1 (a) Retain it for official use.

2 (b) Sell that which is not required to be destroyed by law  
3 and which is not harmful to the public. The proceeds and any  
4 money, negotiable instruments, securities, or ~~any other thing~~  
5 THINGS of value as described in section 7521(1)(f) that are for-  
6 feited pursuant to this article shall be applied as follows:

7 (i) For the payment of proper expenses of the proceedings  
8 for forfeiture and sale, including expenses incurred during the  
9 seizure process, ~~maintenance of~~ EXPENSES FOR MAINTAINING cus-  
10 tody OF THE PROPERTY, advertising EXPENSES, and court costs.

11 (ii) The balance remaining after the payment of expenses  
12 shall be distributed by the court having jurisdiction over the  
13 forfeiture proceedings to the entity having budgetary authority  
14 over the seizing agency. If more than 1 agency was substantially  
15 involved in effecting the forfeiture, the court having jurisdic-  
16 tion over the forfeiture proceeding shall equitably distribute  
17 the money among the entities having budgetary authority over the  
18 seizing agencies. The money received under this subparagraph  
19 shall be used ~~to enhance~~ FOR 1 OR MORE OF THE FOLLOWING:

20 (A) ENHANCING law enforcement efforts pertaining to this  
21 article or section 17766a.

22 (B) PROVIDING EQUIPMENT TO POLICE OFFICERS TO ENHANCE THE  
23 JOB SAFETY OF THOSE POLICE OFFICERS.

24 (c) Require the administrator to take custody of the prop-  
25 erty and remove it for disposition in accordance with law.

26 (d) Forward it to the bureau for disposition.

1       (2) In the course of selling real property pursuant to  
2 subsection (1)(b), the court that has entered an order of  
3 forfeiture may, on motion of the agency to whom the property has  
4 been forfeited, appoint a receiver to dispose of the real prop-  
5 erty forfeited. The receiver shall be entitled to reasonable  
6 compensation. The receiver shall have authority to do all of the  
7 following:

8       (a) List the forfeited real property for sale.

9       (b) Make whatever arrangements are necessary for the mainte-  
10 nance and preservation of the forfeited real property.

11       (c) Accept offers to purchase the forfeited real property.

12       (d) Execute instruments transferring title to the forfeited  
13 real property.