

HOUSE BILL No. 5081

October 16, 2013, Introduced by Reps. McMillin, Robinson, Geiss, Santana, Irwin,
Howrylak, Johnson, Callton and Foster and referred to the Committee on Criminal Justice.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9947) by adding section 4710.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **SEC. 4710. (1) BEGINNING FEBRUARY 1, 2014, EACH SEIZING AGENCY**
2 **SHALL REPORT ON A MONTHLY BASIS ALL OF THE FOLLOWING INFORMATION TO**
3 **THE DEPARTMENT OF STATE POLICE FOR ALL PROPERTY SEIZED BY THAT**
4 **ENTITY UNDER THIS CHAPTER:**

5 **(A) THE CRIME ALLEGED TO HAVE BEEN COMMITTED FOR WHICH**
6 **FORFEITURE UNDER THIS CHAPTER IS AUTHORIZED.**

7 **(B) THE DATE THE PROPERTY WAS SEIZED.**

8 **(C) WHETHER THE PERSON CHARGED WITH THE CRIME WAS CONVICTED OF**

1 THAT CRIME OR WAS CONVICTED OF ANY OTHER CRIME ARISING OUT OF THE
2 SAME CRIMINAL TRANSACTION.

3 (D) A DESCRIPTION OF THE PROPERTY THAT WAS SEIZED.

4 (E) A DESCRIPTION OF ANY PROPERTY THAT WAS FORFEITED.

5 (F) WHETHER THE FORFEITURE WAS SUBJECT TO A PLEA OR ANY OTHER
6 AGREEMENT.

7 (G) WHETHER THE PROPERTY OWNER WAS REPRESENTED BY AN ATTORNEY
8 IN THE FORFEITURE PROCEEDINGS.

9 (H) THE VALUE OF THE PROPERTY SEIZED AND THE MEANS BY WHICH
10 THAT VALUE WAS OBTAINED.

11 (I) THE VALUE OF THE PROPERTY FORFEITED.

12 (J) WHETHER THE PROPERTY WAS SUBJECT TO A SECURITY INTEREST OR
13 OWNERSHIP BY ANY OTHER PERSON.

14 (K) IF A FIREARM WAS SEIZED OR FORFEITED, THE MAKE, MODEL, AND
15 SERIAL NUMBER OF THAT FIREARM.

16 (L) THE FINAL DISPOSITION, INCLUDING USE BY THE SEIZING AGENCY,
17 OF ALL PROPERTY SEIZED AND ALL PROPERTY FORFEITED UNDER THIS
18 CHAPTER. THE INFORMATION REPORTED UNDER THIS SUBDIVISION SHALL
19 INCLUDE ALL ADMINISTRATIVE AND OTHER EXPENSES DEDUCTED FROM THE
20 FORFEITURE PROCEEDINGS AND THE NET AMOUNT RECEIVED FROM THE
21 FORFEITURE.

22 (M) THE DATE THE PROPERTY WAS DISPOSED OF.

23 (N) WHETHER ANY PROPERTY THAT WAS SEIZED OR FORFEITED UNDER
24 THIS CHAPTER WAS SUBSEQUENTLY ORDERED TO BE RETURNED TO AN OWNER.

25 (O) WHETHER THE FORFEITURE RESULTED FROM AN ADOPTIVE SEIZURE.
26 AS USED IN THIS SUBDIVISION, "ADOPTIVE SEIZURE" MEANS THAT ALL OF
27 THE FOLLOWING APPLY:

1 (i) THE SEIZURE RESULTED FROM A VIOLATION OF STATE LAW AND
2 THERE IS A FEDERAL BASIS FOR THE FORFEITURE ACTION.

3 (ii) ALL OF THE PRESEIZURE ACTIVITY AND RELATED INVESTIGATIONS
4 WERE PERFORMED BY THIS STATE OR THE LOCAL SEIZING AGENCY BEFORE A
5 REQUEST WAS MADE TO THE FEDERAL GOVERNMENT FOR ADOPTION.

6 (iii) THE SEIZURE DID NOT RESULT FROM A JOINT INVESTIGATION OR
7 TASK FORCE CASE.

8 (p) INFORMATION REGARDING THE EXPENDITURE OF FUNDS OBTAINED IN
9 ALL FORFEITURE ACTIONS, INCLUDING THE TOTAL AMOUNT OF FUNDS
10 EXPENDED IN EACH OF THE FOLLOWING CATEGORIES:

11 (i) CRIME, GANG, AND SUBSTANCE ABUSE PREVENTION PROGRAMS.

12 (ii) WITNESS PROTECTION AND VICTIM REPARATION.

13 (iii) INFORMANT FEES AND BUY MONEY.

14 (iv) REGULAR-TIME SALARIES, OVERTIME PAY, AND EMPLOYEE BENEFITS
15 OF PROSECUTING ATTORNEYS AND PROSECUTING PERSONNEL.

16 (v) REGULAR-TIME SALARIES, OVERTIME PAY, AND EMPLOYEE BENEFITS
17 OF LAW ENFORCEMENT AGENCY PERSONNEL OTHER THAN PROSECUTING
18 ATTORNEYS AND PROSECUTING PERSONNEL.

19 (vi) PROFESSIONAL OR OUTSIDE SERVICES, INCLUDING SERVICES
20 RELATED TO AUDITING, COURT REPORTING, EXPERT WITNESSES, AND OTHER
21 COURT COSTS.

22 (vii) TRAVEL, MEALS, AND ENTERTAINMENT.

23 (viii) TRAINING AND ATTENDING CONFERENCES.

24 (ix) ALL OPERATING EXPENSES, INCLUDING PURCHASING SUPPLIES.

25 (x) PURCHASING VEHICLES.

26 (xi) PURCHASING CANINES, FIREARMS, OR EQUIPMENT SUCH AS
27 TACTICAL GEAR.

1 (xii) ALL CAPITAL EXPENDITURES SUCH AS FURNITURE, COMPUTERS, OR
2 OFFICE EQUIPMENT.

3 (xiii) ALL OTHER USE NOT DESCRIBED IN SUBPARAGRAPHS (i) TO (xii).

4 (Q) ANY OTHER INFORMATION CONSIDERED TO BE APPROPRIATE BY THE
5 DEPARTMENT OF STATE POLICE.

6 (2) A LAW ENFORCEMENT AGENCY SHALL FILE SEPARATE REPORTS FOR
7 FORFEITURES UNDER STATE AND FEDERAL LAW.

8 (3) A NULL REPORT SHALL BE FILED BY A LAW ENFORCEMENT AGENCY
9 THAT DID NOT ENGAGE IN SEIZURES OR FORFEITURES UNDER STATE OR
10 FEDERAL LAW DURING THE REPORTING PERIOD.

11 (4) THE DEPARTMENT OF STATE POLICE MAY CHARGE A FEE TO LAW
12 ENFORCEMENT AGENCIES THAT ENGAGE IN SEIZURES OR FORFEITURES DURING
13 THE REPORTING PERIOD TO COVER THE ACTUAL COSTS TO THE DEPARTMENT
14 FOR IMPLEMENTING THE REQUIREMENTS OF THIS SECTION. A LAW
15 ENFORCEMENT AGENCY MAY USE FORFEITURE PROCEEDS TO PAY THE COST OF
16 COMPILING AND REPORTING DATA UNDER THIS SECTION, INCLUDING ANY FEE
17 IMPOSED BY THE DEPARTMENT OF STATE POLICE.

18 (5) THE DEPARTMENT OF STATE POLICE MAY WITHHOLD THE PAYMENT OF
19 ANY LAW ENFORCEMENT FUNDS TO A LAW ENFORCEMENT AGENCY THAT FAILS TO
20 COMPLY WITH THE REPORTING REQUIREMENTS OF THIS SECTION UNTIL THAT
21 LAW ENFORCEMENT AGENCY COMPLIES WITH THE REPORTING REQUIREMENTS OF
22 THIS SECTION.

23 (6) THE DEPARTMENT OF STATE POLICE SHALL ANALYZE AND COMPILE
24 THE INFORMATION REPORTED TO THE DEPARTMENT UNDER SUBSECTION (1).
25 THE DEPARTMENT SHALL FILE AN ANNUAL REPORT OF ITS FINDINGS UNDER
26 THIS SUBSECTION WITH THE SECRETARY OF THE SENATE AND WITH THE CLERK
27 OF THE HOUSE OF REPRESENTATIVES AND SHALL PLACE A COPY OF THE

1 REPORT ON ITS DEPARTMENTAL WEBSITE. THE REPORT SHALL BE FILED NOT
2 LATER THAN FEBRUARY 1 OF EACH YEAR. THE REPORT SHALL IDENTIFY ANY
3 SEIZING AGENCIES THAT HAVE FAILED TO PROPERLY REPORT THE
4 INFORMATION REQUIRED UNDER SUBSECTIONS (1), (2), AND (3) WITH THE
5 DEPARTMENT OF STATE POLICE AND WHETHER ANY FUNDS WERE WITHHELD DUE
6 TO THAT FAILURE. THE REPORT SHALL ALSO INCLUDE THE DEPARTMENT'S
7 RECOMMENDATIONS FOR IMPROVEMENTS TO THE FORFEITURE PROCESS TO
8 ENSURE THE APPROPRIATE AND EFFECTIVE USE OF FORFEITURE PROCEEDINGS
9 UNDER THIS CHAPTER, INCLUDING RECOMMENDATIONS TO IMPROVE THE
10 ADMINISTRATION AND FAIRNESS OF FORFEITURE PROCEEDINGS.