

SENATE BILL No. 710

December 5, 2017, Introduced by Senators KNEZEK, SCHMIDT and ROBERTSON and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 49 (MCL 750.49), as amended by 2006 PA 129.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 49. (1) As used in this section: ~~,"animal"~~

2 (A) **"ANIMAL"** means a vertebrate other than a human **BEING**.

3 (B) **"ANIMAL CONTROL AGENCY" MEANS AN ANIMAL CONTROL SHELTER,**
4 **AN ANIMAL PROTECTION SHELTER, OR A LAW ENFORCEMENT AGENCY. AS USED**
5 **IN THIS SUBDIVISION, "ANIMAL CONTROL SHELTER" AND "ANIMAL**
6 **PROTECTION SHELTER" MEAN THOSE TERMS AS DEFINED IN SECTION 1 OF**
7 **1969 PA 287, MCL 287.331.**

8 (2) A person shall not knowingly do any of the following:

9 (a) Own, possess, use, buy, sell, offer to buy or sell,
10 import, or export an animal for fighting or baiting, or as a target
11 to be shot at as a test of skill in marksmanship.

1 (b) Be a party to or cause the fighting, baiting, or shooting
2 of an animal as described in subdivision (a).

3 (c) Rent or otherwise obtain the use of a building, shed,
4 room, yard, ground, ~~or~~ premises, **VEHICLE, OR ANY OTHER VENUE** for
5 fighting, baiting, or shooting an animal as described in
6 subdivision (a).

7 (d) Permit the use of a building, shed, room, yard, ground, ~~or~~
8 premises, **VEHICLE, OR ANY OTHER VENUE** belonging to him or her or
9 under his or her control for any of the purposes described in this
10 section.

11 (e) Organize, promote, or collect money for the fighting,
12 baiting, or shooting of an animal as described in subdivisions (a)
13 to (d).

14 (f) Be present at **OR IN** a building, shed, room, yard, ground,
15 ~~or~~ premises, **VEHICLE, OR ANY OTHER VENUE** where preparations are
16 being made for an exhibition described in subdivisions (a) to (d),
17 or be present at the exhibition, knowing that an exhibition is
18 taking place or about to take place.

19 (g) Breed, buy, sell, offer to buy or sell, exchange, import,
20 or export an animal the person knows has been trained or used for
21 fighting as described in subdivisions (a) to (d). ~~, or breed, buy,~~
22 ~~sell, offer to buy or sell, exchange, import, or export the~~
23 ~~offspring of an animal the person knows has been trained or used~~
24 ~~for fighting as described in subdivisions (a) to (d).~~ This
25 subdivision does not prohibit owning, breeding, buying, selling,
26 offering to buy or sell, exchanging, importing, or exporting an
27 animal for agricultural or agricultural exposition purposes. **THIS**

1 SUBDIVISION DOES NOT PROHIBIT AN ANIMAL CONTROL AGENCY FROM OWNING,
2 ADOPTING, OR TRANSFERRING OWNERSHIP OF AN ANIMAL FOR THE PURPOSE OF
3 ADOPTION OF THE ANIMAL TRAINED OR USED FOR FIGHTING, BAITING, OR
4 SHOOTING AS DESCRIBED IN SUBDIVISION (A).

5 (h) Own, possess, use, buy, sell, offer to buy or sell,
6 transport, or deliver any device or equipment intended for use in
7 the fighting, baiting, or shooting of an animal as described in
8 subdivisions (a) to (d).

9 (3) A person who violates subsection (2)(a) to (e) is guilty
10 of a felony punishable by 1 or more of the following:

11 (a) Imprisonment for not more than 4 years.

12 (b) A fine of not less than \$5,000.00 or more than \$50,000.00.

13 (c) Not less than 500 or more than 1,000 hours of community
14 service.

15 (4) A person who violates subsection (2)(f) to (h) is guilty
16 of a felony punishable by 1 or more of the following:

17 (a) Imprisonment for not more than 4 years.

18 (b) A fine of not less than \$1,000.00 or more than \$5,000.00.

19 (c) Not less than 250 or more than 500 hours of community
20 service.

21 (5) The court may order a person convicted of violating this
22 section to pay the costs of prosecution.

23 (6) The court may order a person convicted of violating this
24 section to pay the costs for **INVESTIGATING THE VIOLATION OF THIS**
25 **SECTION, DISPOSITION OF THE ANIMAL, AND** housing and caring for the
26 animal, including, but not limited to, providing veterinary medical
27 treatment. **AS USED IN THIS SUBSECTION, "DISPOSITION" INCLUDES THE**

1 **TRANSFER, EUTHANASIA, OR ADOPTION OF AN ANIMAL.**

2 (7) As part of the sentence for a violation of subsection (2),
3 the court shall order the person convicted not to own or possess an
4 animal of the same species involved in the violation of this
5 section for 5 years after the date of sentencing. Failure to comply
6 with the order of the court pursuant to this subsection is
7 punishable as contempt of court.

8 (8) If a person incites an animal trained or used for fighting
9 ~~or an animal that is the first or second generation offspring of an~~
10 ~~animal trained or used for fighting~~ to attack a person and thereby
11 **THE ATTACK** causes the death of that person, the owner is guilty of
12 a felony punishable by imprisonment for life or for a term of years
13 greater than 15 years.

14 (9) If a person incites an animal trained or used for fighting
15 ~~or an animal that is the first or second generation offspring of an~~
16 ~~animal trained or used for fighting~~ to attack a person, but the
17 attack does not result in the death of the person, the owner is
18 guilty of a felony punishable by imprisonment for not more than 4
19 years or a fine of not more than \$2,000.00, or both.

20 (10) If an animal trained or used for fighting ~~or an animal~~
21 ~~that is the first or second generation offspring of an animal~~
22 ~~trained or used for fighting~~ attacks a person without provocation
23 and causes the death of that person, the owner of the animal is
24 guilty of a felony punishable by imprisonment for not more than 15
25 years.

26 (11) If an animal trained or used for fighting ~~or an animal~~
27 ~~that is the first or second generation offspring of an animal~~

1 ~~trained or used for fighting~~ attacks a person without provocation,
2 but the attack does not cause the death of the person, the owner is
3 guilty of a misdemeanor punishable by imprisonment for not more
4 than 1 year or a fine of not more than \$1,000.00, or both.

5 (12) Subsections (8) to (11) do not apply if the person
6 attacked was committing or attempting to commit an unlawful act on
7 the property of the owner of the animal.

8 (13) If an animal trained or used for fighting ~~or an animal~~
9 ~~that is the first or second generation offspring of a dog trained~~
10 ~~or used for fighting~~ goes beyond the property limits of its owner
11 without being securely restrained, the owner is guilty of a
12 misdemeanor punishable by imprisonment for not more than 90 days or
13 a fine of not less than \$50.00 ~~nor~~ **OR** more than \$500.00, or both.

14 (14) If an animal trained or used for fighting ~~or an animal~~
15 ~~that is the first or second generation offspring of a dog trained~~
16 ~~or used for fighting~~ is not securely enclosed or restrained on the
17 owner's property, the owner is guilty of a misdemeanor punishable
18 by imprisonment for not more than 90 days or a fine of not more
19 than \$500.00, or both.

20 (15) Subsections (8) to (14) do not apply to any of the
21 following:

22 (a) A dog trained or used for fighting ~~, or the first or~~
23 ~~second generation offspring of a dog trained or used for fighting,~~
24 that is used by a law enforcement agency of ~~the~~ **THIS** state or a
25 county, city, village, or township.

26 (b) A certified leader dog recognized and trained by a
27 national guide dog association for the blind or for persons with

1 disabilities.

2 (c) A corporation licensed under the private security business
3 and security alarm act, 1968 PA 330, MCL 338.1051 to ~~338.1083,~~
4 **338.1092**, when a dog trained or used for fighting ~~, or the first or~~
5 ~~second generation offspring of a dog trained or used for fighting,~~
6 is used in accordance with the private security business and
7 security alarm act, 1968 PA 330, MCL 338.1051 to ~~338.1083-338.1092.~~

8 (D) **A DOG TRAINED OR USED FOR FIGHTING THAT IS OWNED OR**
9 **POSSESSED BY AN ANIMAL CONTROL AGENCY OR THAT HAS BEEN TRANSFERRED**
10 **FROM AN ANIMAL CONTROL AGENCY THAT OWNED OR POSSESSED THE DOG AS**
11 **PROVIDED UNDER THIS SECTION.**

12 (16) ~~An~~ **EXCEPT AS PROVIDED IN SUBSECTIONS (19), (21), AND**
13 **(22), AN** animal that has been used to fight in violation of this
14 section or that is involved in a violation of subsections (8) to
15 (14) ~~shall~~ **MUST** be confiscated as ~~contraband~~ by a law enforcement
16 officer and ~~shall~~ **MUST** not be returned to the owner, trainer, or
17 possessor of the animal. The animal ~~shall~~ **MUST** be taken to a local
18 ~~humane society or other animal welfare~~ **CONTROL** agency. If an animal
19 owner, trainer, or possessor is convicted of violating subsection
20 (2) or subsections (8) to (14), the court shall award the animal
21 involved in the violation to the ~~local humane society or other~~
22 ~~animal welfare~~ **CONTROL** agency **FOR EVALUATION AND DISPOSITION.**

23 (17) **AN ANIMAL CONTROL AGENCY TAKING CUSTODY OF AN ANIMAL**
24 **UNDER SUBSECTION (16) SHALL GIVE NOTICE WITHIN 72 HOURS AFTER**
25 **SEIZURE OF THE ANIMAL BY 1 OF THE FOLLOWING METHODS:**

26 (A) **POSTING AT THE LOCATION OF THE SEIZURE.**

27 (B) **DELIVERY TO A PERSON RESIDING AT THE LOCATION OF THE**

1 SEIZURE.

2 (C) REGISTERED MAIL TO THE LOCATION OF THE SEIZURE, IF THE
3 OWNER OF THE ANIMAL IS UNKNOWN.

4 (D) REGISTERED MAIL TO THE LAST KNOWN ADDRESS OF THE ANIMAL'S
5 OWNER, IF THE OWNER OF THE ANIMAL IS KNOWN.

6 (18) THE NOTICE REQUIRED UNDER SUBSECTION (17) MUST INCLUDE
7 ALL OF THE FOLLOWING:

8 (A) A DESCRIPTION OF EACH ANIMAL SEIZED.

9 (B) THE TIME, DATE, LOCATION, AND DESCRIPTION OF CIRCUMSTANCES
10 UNDER WHICH THE ANIMAL WAS SEIZED.

11 (C) THE ADDRESS AND TELEPHONE NUMBER OF THE LOCATION WHERE THE
12 ANIMAL IS BEING HELD AND CONTACT INFORMATION FOR THE INDIVIDUAL
13 PRESENT AT THAT LOCATION FROM WHOM SECURITY DEPOSIT OR BOND
14 INFORMATION MAY BE OBTAINED.

15 (D) A STATEMENT THAT THE OWNER OR POSSESSOR OF THE ANIMAL MAY
16 POST A SECURITY DEPOSIT OR BOND TO PREVENT THE FORFEITURE OF THE
17 ANIMAL, THAT FAILURE TO POST A SECURITY DEPOSIT OR BOND WITHIN 14
18 DAYS AFTER THE DATE ON THE NOTICE WILL RESULT IN FORFEITURE OF THE
19 ANIMAL, AND THAT THE OWNER OR POSSESSOR OF THE ANIMAL MAY, BEFORE
20 THE EXPIRATION OF THE 14-DAY PERIOD DESCRIBED IN THIS SUBDIVISION
21 OR AT ANY TIME AFTER POSTING THE SECURITY DEPOSIT OR BOND UNDER
22 SUBSECTION (21), REQUEST A HEARING UNDER SUBSECTION (19) TO CONTEST
23 THE REQUIREMENT TO POST A SECURITY DEPOSIT OR BOND, OR THE AMOUNT
24 OF THE SECURITY DEPOSIT OR BOND.

25 (E) A STATEMENT THAT THE OWNER OR POSSESSOR OF THE ANIMAL IS
26 RESPONSIBLE FOR ALL COSTS DESCRIBED IN SUBSECTION (6) UNLESS A
27 COURT DETERMINES, AFTER A HEARING UNDER SUBSECTION (19), THAT THE

1 SEIZURE OF THE ANIMAL WAS NOT JUSTIFIED.

2 (19) IN A HEARING TO DETERMINE IF THE SEIZURE OF THE ANIMAL IS
3 JUSTIFIED, THE PROSECUTING ATTORNEY HAS THE BURDEN TO ESTABLISH
4 THAT THERE IS PROBABLE CAUSE TO BELIEVE A VIOLATION OF THIS SECTION
5 OCCURRED, AND BY A PREPONDERANCE OF THE EVIDENCE THAT THE AMOUNT OF
6 THE SECURITY DEPOSIT OR BOND IS FAIR AND REASONABLE FOR THE CARE OF
7 AND PROVISION FOR THE SEIZED ANIMAL AS DETERMINED UNDER SUBSECTION
8 (21). THE FAILURE OF THE OWNER OR POSSESSOR TO APPEAR AT A
9 SCHEDULED HEARING REQUESTED UNDER THIS SUBDIVISION WILL RESULT IN
10 AUTOMATIC FORFEITURE OF THE ANIMAL IF THE DATE OF THE SCHEDULED
11 HEARING IS MORE THAN 14 DAYS AFTER THE DATE ON THE NOTICE REQUIRED
12 UNDER SUBSECTION (17). IF THE COURT FINDS THAT THE PROSECUTING
13 ATTORNEY HAS MET THE BURDEN REQUIRED UNDER THIS SUBSECTION, THE
14 ANIMAL WILL BE IMMEDIATELY FORFEITED TO THE ANIMAL CONTROL AGENCY
15 CARING FOR THE ANIMAL AT THE TIME OF THE HEARING UNLESS THE OWNER
16 OR POSSESSOR OF THE ANIMAL POSTS THE REQUIRED SECURITY DEPOSIT OR
17 BOND UNDER SUBSECTION (21). IF THE COURT FINDS THAT THE PROSECUTING
18 ATTORNEY HAS NOT MET THE BURDEN REQUIRED UNDER THIS SUBSECTION, THE
19 COURT MAY ORDER EITHER OF THE FOLLOWING:

20 (A) THAT THE OWNER OR POSSESSOR OF THE ANIMAL DOES NOT HAVE TO
21 POST A SECURITY DEPOSIT OR BOND TO PREVENT FORFEITURE OF THE ANIMAL
22 BEFORE THE CRIMINAL ACTION UNDER THIS SECTION IS RESOLVED.

23 (B) THAT THE OWNER OR POSSESSOR OF THE ANIMAL MUST POST A
24 SECURITY DEPOSIT OR BOND IN AN AMOUNT DETERMINED BY THE COURT TO BE
25 FAIR AND REASONABLE FOR THE CARE OF AND PROVISION FOR THE SEIZED
26 ANIMAL AS PROVIDED BY SUBSECTION (21) UNTIL THE CRIMINAL ACTION
27 UNDER THIS SECTION IS RESOLVED. IF THE COURT ORDERS A SECURITY

1 DEPOSIT OR BOND UNDER THIS SUBDIVISION, THE COURT SHALL ORDER THE
2 SPECIFIC DATE BY WHICH, IF THE SECURITY DEPOSIT OR BOND IS NOT
3 POSTED, THE ANIMAL WILL BE FORFEITED.

4 (20) AN ANIMAL CONTROL AGENCY THAT HAS SEIZED AN ANIMAL UNDER
5 SUBSECTION (16) SHALL HOLD THE ANIMAL FOR A PERIOD OF 14
6 CONSECUTIVE DAYS, INCLUDING WEEKENDS AND HOLIDAYS, BEGINNING ON THE
7 DATE NOTICE WAS GIVEN UNDER SUBSECTION (17). AFTER THE EXPIRATION
8 OF THE 14 DAYS, IF THE OWNER OR A POSSESSOR OF THE ANIMAL HAS NOT
9 POSTED A SECURITY DEPOSIT OR BOND AS REQUIRED UNDER SUBSECTION (21)
10 OR HAS NOT REQUESTED A HEARING UNDER SUBSECTION (19), THE ANIMAL IS
11 FORFEITED, AND THE ANIMAL CONTROL AGENCY MAY DISPOSE OF THE ANIMAL
12 BY ADOPTION, TRANSFER TO ANOTHER ANIMAL CONTROL SHELTER OR ANIMAL
13 PROTECTION SHELTER, OR HUMANE EUTHANASIA. AN ANIMAL CONTROL AGENCY
14 THAT TRANSFERS AN ANIMAL OR DISPOSES OF AN ANIMAL THROUGH ADOPTION
15 AS DESCRIBED IN THIS SUBSECTION SHALL PROVIDE A COPY OF THE
16 ANIMAL'S HISTORY, INCLUDING A DESCRIPTION OF WHY THE ANIMAL WAS
17 SEIZED, VETERINARY RECORDS, AND BEHAVIORAL ASSESSMENTS TO THE
18 PERSON TO WHOM THE ANIMAL IS TRANSFERRED OR ADOPTED.

19 (21) THE OWNER OR POSSESSOR OF AN ANIMAL SEIZED UNDER
20 SUBSECTION (16) MAY PREVENT FORFEITURE AND DISPOSITION OF THE
21 ANIMAL BY AN ANIMAL CONTROL AGENCY BY POSTING A SECURITY DEPOSIT OR
22 BOND WITH THE COURT WITHIN THE 14-DAY PERIOD DESCRIBED IN
23 SUBSECTION (20) OR WITHIN THE TIME PERIOD SET BY THE COURT UNDER
24 SUBSECTION (19) (B). THE DEPOSIT OR BOND MUST BE IN A SUFFICIENT
25 AMOUNT TO SECURE PAYMENT OF ALL COSTS DESCRIBED IN SUBSECTION (6)
26 FOR A 30-DAY PERIOD OF HOUSING, CARING FOR, AND OBTAINING
27 VETERINARY TREATMENT OF THE ANIMAL AFTER EXAMINATION BY A LICENSED

1 VETERINARIAN. SUBJECT TO SUBSECTION (19), THE ANIMAL CONTROL AGENCY
2 SHALL DETERMINE THE AMOUNT OF THE BOND NO LATER THAN 72 HOURS AFTER
3 THE SEIZURE OF THE ANIMAL, AND SHALL MAKE THE AMOUNT OF THE BOND
4 AVAILABLE TO THE OWNER OR POSSESSOR OF THE ANIMAL UPON REQUEST. THE
5 OWNER OR POSSESSOR OF THE ANIMAL SHALL PROVIDE PROOF TO THE ANIMAL
6 CONTROL AGENCY OF THE POSTING OF THE SECURITY DEPOSIT OR BOND
7 WITHIN THE 14-DAY PERIOD DESCRIBED IN SUBSECTION (20) OR WITHIN THE
8 TIME PERIOD SET BY THE COURT FOLLOWING A HEARING UNDER SUBSECTION
9 (19).

10 (22) IF A SECURITY DEPOSIT OR BOND HAS BEEN POSTED UNDER
11 SUBSECTION (21), AND TRIAL IN THE CRIMINAL ACTION DOES NOT OCCUR
12 WITHIN THE INITIAL 30-DAY BOND PERIOD OR IS CONTINUED TO A LATER
13 DATE, TO PREVENT FORFEITURE OF THE ANIMAL BEFORE THE CRIMINAL
14 ACTION IS RESOLVED, THE OWNER OR POSSESSOR OF THE ANIMAL MUST POST
15 AN ADDITIONAL SECURITY DEPOSIT OR BOND IN THE AMOUNT PREVIOUSLY
16 DETERMINED UNDER SUBSECTION (19) OR (21). IF THE OWNER OR POSSESSOR
17 OF THE ANIMAL FAILS TO POST AN ADDITIONAL SECURITY DEPOSIT OR BOND
18 UNDER THIS SUBSECTION WITH THE COURT BEFORE THE PREVIOUS 30-DAY
19 BOND PERIOD EXPIRES, THE ANIMAL IS FORFEITED TO THE ANIMAL CONTROL
20 AGENCY CARING FOR THE ANIMAL AT THAT TIME.

21 (23) AN ANIMAL CONTROL AGENCY THAT IS HOLDING OR REQUIRING TO
22 BE HELD A SEIZED ANIMAL AS PROVIDED IN THIS SECTION MAY, IN 30-DAY
23 INCREMENTS, DRAW ON A SECURITY DEPOSIT OR BOND POSTED UNDER
24 SUBSECTION (21) OR (22) TO COVER THE ACTUAL REASONABLE COSTS
25 INCURRED IN THE SEIZURE, CARE, KEEPING, AND DISPOSITION OF THE
26 ANIMAL AS DESCRIBED IN SUBSECTION (6) FROM THE DATE OF THE SEIZURE
27 TO THE DATE OF THE OFFICIAL DISPOSITION OF THE ANIMAL IN THE

1 CRIMINAL ACTION.

2 (24) IF THE OWNER OR POSSESSOR IS FOUND NOT GUILTY IN THE
3 CRIMINAL ACTION, THE AMOUNT OF THE SECURITY DEPOSIT OR BOND POSTED
4 TO PREVENT DISPOSITION OF THE ANIMAL MAY BE RETURNED TO THE OWNER
5 OR POSSESSOR AT THE COURT'S DISCRETION, AND, EXCEPT AS PROVIDED IN
6 SUBSECTIONS (26) AND (27), THE ANIMAL MUST BE RETURNED TO THE
7 OWNER.

8 (25) IF A SECURITY DEPOSIT OR BOND IS POSTED BY AN OWNER OR
9 POSSESSOR OF AN ANIMAL UNDER THIS SECTION AND THE COURT DETERMINES
10 THAT THE ANIMAL POSES A THREAT TO PUBLIC SAFETY UNDER SUBSECTION
11 (27), THE POSTING OF THE SECURITY DEPOSIT OR BOND MUST NOT PREVENT
12 DISPOSITION OF THE ANIMAL. THE AMOUNT OF THE SECURITY DEPOSIT OR
13 BOND POSTED TO PREVENT DISPOSITION OF THE ANIMAL MUST BE RETURNED
14 TO THE OWNER OR POSSESSOR, MINUS THE REASONABLE COSTS INCURRED BY
15 THE ANIMAL CONTROL AGENCY FOR THE CARE AND EUTHANASIA OF THE ANIMAL
16 AS DESCRIBED IN SUBSECTION (6).

17 (26) ~~(17) Upon receiving an animal confiscated~~ **SEIZED** under
18 this section, or at any time thereafter, an ~~appointed veterinarian,~~
19 ~~the humane society, or other animal welfare~~ **CONTROL** agency may
20 humanely euthanize the animal **OR HAVE THE ANIMAL EUTHANIZED** if, in
21 the opinion of ~~that~~ **A LICENSED** veterinarian, ~~humane society, or~~
22 ~~other animal welfare agency,~~ the animal is injured or diseased past
23 recovery or the animal's continued existence is inhumane so that
24 euthanasia is necessary to relieve pain and suffering. **THIS**
25 **SUBSECTION APPLIES TO AN ANIMAL WHETHER OR NOT A SECURITY DEPOSIT**
26 **OR BOND HAS BEEN POSTED UNDER THIS SECTION.**

27 (27) ~~(18) A humane society or other animal welfare~~ **AN ANIMAL**

1 **CONTROL** agency that receives an animal under this section ~~shall~~ **MAY**
 2 apply to the district court or municipal court for a hearing to
 3 determine whether the animal ~~shall~~ **MUST** be humanely euthanized
 4 because of ~~its lack of any useful purpose and~~ the public safety
 5 threat it poses. The court shall hold a hearing not more than 30
 6 days after the filing of the application and shall give notice of
 7 the hearing to the owner of the animal. Upon a finding by the court
 8 that the animal ~~lacks any useful purpose and~~ poses a threat to
 9 public safety, the ~~humane society or other animal welfare~~ **CONTROL**
 10 agency shall humanely euthanize the animal **OR HAVE THE ANIMAL**
 11 **EUTHANIZED**. Expenses incurred in connection with the housing, care,
 12 upkeep, or euthanasia of the animal by ~~a humane society or other~~ **AN**
 13 animal ~~welfare~~ **CONTROL** agency, or by a person, firm, partnership,
 14 corporation, or other entity, ~~shall~~ **MAY, IN THE COURT'S DISCRETION,**
 15 be assessed against the owner of the animal.

16 (28) ~~(19)~~ Subject to subsections (16), ~~to (18),~~ **(26), AND**
 17 **(27)**, all animals being used or to be used in fighting, equipment,
 18 devices and money involved in a violation of subsection (2) ~~shall~~
 19 **MUST** be forfeited to ~~the~~ **THIS** state. All other instrumentalities,
 20 proceeds, and substituted proceeds of a violation of subsection (2)
 21 are subject to forfeiture under chapter 47 of the revised
 22 judicature act of 1961, 1961 PA 236, MCL 600.4701 to
 23 ~~600.4709-~~ **600.4710**.

24 (29) ~~(20)~~ The seizing agency may deposit money seized under
 25 subsection ~~(19)~~ **(28)** into an interest-bearing account in a
 26 financial institution. As used in this subsection, "financial
 27 institution" means a state or nationally chartered bank or a state

1 or federally chartered savings and loan association, savings bank,
2 or credit union whose deposits are insured by an agency of the
3 United States government and that maintains a principal office or
4 branch office located in this state under the laws of this state or
5 the United States.

6 (30) ~~(21)~~—An attorney for a person who is charged with a
7 violation of subsection (2) involving or related to money seized
8 under subsection ~~(19)~~—shall—(28) **MUST** be afforded a period of 60
9 days within which to examine that money. This 60-day period shall
10 ~~begin~~—**BEGINS** to run after notice of forfeiture is given but before
11 the money is deposited into a financial institution under
12 subsection ~~(20)~~—(29) .

13 (31) If the attorney general, prosecuting attorney, or city or
14 township attorney fails to sustain his or her burden of proof in
15 forfeiture proceedings under subsection ~~(19)~~—(28) , the court shall
16 order the return of the money, including any interest earned on
17 money deposited into a financial institution under subsection
18 ~~(20)~~—(29) .

19 (32) ~~(22)~~—This section does not apply to conduct that is
20 permitted by and is in compliance with any of the following:

21 (a) Part 401 of the natural resources and environmental
22 protection act, 1994 PA 451, MCL 324.40101 to ~~324.40119~~—324.40120 .

23 (b) Part 435 of the natural resources and environmental
24 protection act, 1994 PA 451, MCL 324.43501 to 324.43561 .

25 (c) Part 427 of the natural resources and environmental
26 protection act, 1994 PA 451, MCL 324.42701 to 324.42714 .

27 (d) Part 417 of the natural resources and environmental

1 protection act, 1994 PA 451, MCL 324.41701 to 324.41712.

2 (33) ~~(23)~~—This section does not prohibit a person from being
3 charged with, convicted of, or punished for any other violation of
4 law that is committed by that person while violating this section.

5 Enacting section 1. This amendatory act takes effect 90 days
6 after the date it is enacted into law.