

HOUSE BILL NO. 6394

November 12, 2020, Introduced by Reps. Steven Johnson and Meerman and referred to the Committee on Government Operations.

A bill to amend 1979 PA 214, entitled

"An act to provide for the disposition and sale of certain stolen or abandoned property recovered or discovered within a county, city, village, or township; and to provide for the disposition of the proceeds of sale and certain other property,"

by amending section 2 (MCL 434.182), as amended by 2018 PA 546.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) The county board of commissioners, city or village
2 council, or township board of trustees shall act upon the request

1 of the law enforcement agency under section 1 not less than 60 days
 2 or more than 6 months after ~~the receipt of~~ **receiving** the request.

3 (2) If the city or village council or township board of
 4 trustees authorizes the law enforcement agency of the city,
 5 village, or township to give the property to the sheriff of the
 6 county, the **law enforcement** agency shall deliver the property to
 7 the sheriff within 10 days.

8 (3) If the county board of commissioners, city or village
 9 council, or township board of trustees authorizes the law
 10 enforcement agency to dispose of the property through sale under
 11 this act, the law enforcement agency shall conduct a sale of the
 12 property as provided in subsection (4).

13 (4) ~~If~~ **Before January 1, 2022, if** the law enforcement agency
 14 is authorized to dispose of the property by sale, the law
 15 enforcement agency shall publish a notice in a newspaper of general
 16 circulation in the county not less than 5 days before the proposed
 17 sale of the property. **Beginning January 1, 2022, if the law**
 18 **enforcement agency is authorized to dispose of the property by**
 19 **sale, the law enforcement agency shall provide notice by posting as**
 20 **provided in the local government public notice act not less than 5**
 21 **days before the proposed sale of the property.** The notice must
 22 describe the property, including money, and state the time and
 23 place of the public sale at which the property may be purchased by
 24 the highest bidder. The law enforcement agency may obtain an
 25 appraisal to determine whether money, because of age, origin, metal
 26 content, or value as a collector's item, has a value other than its
 27 face value. Money that does not have a value other than its face
 28 value ~~must~~ **is** not ~~be~~ subject to the public sale provisions
 29 contained in this section. Until the date of the sale, the property

1 may be claimed at the office of the law enforcement agency. If
2 ownership of the property is proved, the property must be turned
3 over to the owner and the sale of that property must be canceled.

4 (5) If the county board of commissioners, city or village
5 council, or township board of trustees authorizes the law
6 enforcement agency to dispose of the property through donation,
7 following a request under section 1(3), the law enforcement agency
8 shall donate the property as provided in subsection (6).

9 (6) ~~If~~ **Before January 1, 2022, if** the law enforcement agency
10 is authorized to dispose of the property by donation, the law
11 enforcement agency shall publish a notice in a newspaper of general
12 circulation in the county not less than 5 days before the proposed
13 donation of the property. **Beginning January 1, 2022, if the law**
14 **enforcement agency is authorized to dispose of the property by**
15 **donation, the law enforcement agency shall provide notice by**
16 **posting as provided in the local government public notice act not**
17 **less than 5 days before the proposed donation of the property.** The
18 notice must describe the property and provide the address of the
19 office of the law enforcement agency and the date the property will
20 be donated. Before the date provided in the notice, the property
21 may be claimed at the office of the law enforcement agency. If
22 ownership of the property is proved, the property must be turned
23 over to the owner and the donation of that property must be
24 canceled.

25 Enacting section 1. This amendatory act does not take effect
26 unless Senate Bill No. ____ or House Bill No. 6440 (request no.
27 02449'19) of the 100th Legislature is enacted into law.