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BILL ANALYSIS

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Senate Fiscal Agency

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Senate Bill 244

Sponsor: Senator Gilbert J. DiNello

Committee: Criminal Justice and Urban Affairs

Date Completed: 4-5-89

SUMMARY OF SENATE BILL 244 as introduced 3-9-89:

The bill would amend the Public Health Code to make real property subject to forfeiture if it were used or intended to be used to commit or facilitate the commission of a drug violation that was punishable by more than one year's imprisonment.

Real property could not be forfeited, however, if the owner showed that the illegal act or omission that otherwise would lead to forfeiture occurred without his or her knowledge or consent. In addition, real property could not be forfeited if the owner knew or had reasonable cause to believe that a drug violation had taken place upon the property and both notified a law enforcement agency in writing and served a notice to quit upon the individual who committed or was believed to have committed such a violation.

A forfeiture of property (either real or personal) that was encumbered by a secured interest or any other interest that secured payment or performance of an obligation would be subject to the interest of the secured party, if that party neither had prior knowledge of, nor consented to, the illegal act or omission that led to the forfeiture.

Real property subject to forfeiture would include "any right, title, or interest in the whole of any lot or tract of land and any appurtenances or improvements".

MCL 333.7521

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government. According to the Department of State Police, law enforcement agencies already seize real property for forfeiture in controlled substance arrests in accordance with the existing provisions of the Code.

Fiscal Analyst: M. Hansen

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.

S.B. 244 (4-5-89)