

Senate Fiscal Agency  
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**SFA****BILL ANALYSIS**

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House Bill 5513 (as passed by the House)  
Sponsor: Representative Charles LaSata  
House Committee: Insurance and Financial Services  
Senate Committee: Judiciary

Date Completed: 2-20-02

### **CONTENT**

The bill would amend Chapter 47 (Forfeiture or Seizure of Certain Property) of the Revised Judicature Act to include in the list of crimes subject to the seizure and forfeiture of property a violation of Chapter 83-A (Terrorism) of the Michigan Penal Code, proposed by Senate Bill 930. The bill would take effect on May 1, 2002.

Under the Act, the following property is subject to seizure by, and forfeiture to, a local unit of government or the State:

- All personal property that is the proceeds of a crime, the substituted proceeds of a crime, or an instrumentality of a crime.
- All real property that is the proceeds of a crime or the substituted proceeds of a crime, except real property that is the primary residence of the spouse or a dependent child of the owner, unless the spouse or dependent child had prior knowledge of the crime and consented to the commission of the crime.

Under the bill, in the case of a crime that was a violation of Chapter 83-A, all property described above and all real or personal property that performed one of the following functions would be subject to seizure and forfeiture:

- Contributed directly and materially to the commission of the crime.
- Was used in the preparation of the crime.
- Was used to conceal the crime.
- Was used to escape from the scene of the crime.
- Was used to conceal the identity of one or more of the individuals who committed the crime.

MCL 600.4701 & 600.4702

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

The bill would have an indeterminate fiscal impact on State and local government. The addition of acts of terrorism to those crimes for which property may be forfeited could potentially increase forfeiture-gained revenues to a governmental entity within the State, but to an extent that cannot be determined at this time.

Fiscal Analyst: Bruce Baker

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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.

