

Legislative Analysis



DRUG CRIMES: REVISE FORFEITURE OF PROPERTY

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House Bill 6416

Sponsor: Rep. Dave Hildenbrand

Committee: Judiciary

Complete to 9-18-06

A SUMMARY OF HOUSE BILL 6416 AS INTRODUCED 9-6-06

Article 7 of the Public Health Code regulates the use of controlled substances and establishes penalties for violations. In addition to penalties, property seized in drug raids and criminal investigations may be subject to forfeiture – meaning that the local government that seized the property may retain it for official use, sell that which is not required to be destroyed by law and which is not harmful to the public, and require the Michigan Board of Pharmacy to take custody of the seized property and remove it for lawful disposition, or forward it to the federal Drug Enforcement Administration. When a local government sells seized property, the money must be used to pay the expenses incurred by the sale (i.e., advertising costs), with the balance going to the entities involved in the seizure. Currently, a seizing agency is required to use this money to enhance law enforcement efforts pertaining to violations involving controlled substances.

House Bill 6416 would amend Part 75 of Article 7, entitled "Enforcement and Administration," to allow a seizing agency to give all or part of the funds received from the sale of forfeited property to Silent Observer or Crime Stoppers, nonprofit crime prevention entities. (Property subject to seizure and forfeiture sales may include money, negotiable instruments, cars, planes, boats, houses, and land.)

The bill would also delete a reference to Section 17766a, which was repealed by Public Act 236 of 2001.

MCL 333.7524

FISCAL IMPACT:

The bill would have no fiscal impact on state or local governments.

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