

Legislative Analysis



DRUG FORFEIT CONTRIBUTIONS: ALLOW FOR ANY LAW ENFORCEMENT PURPOSE

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House Bill 4349
Sponsor: Rep. Kurt Heise
Committee: Judiciary

Complete to 3-9-11

A SUMMARY OF HOUSE BILL 4349 AS INTRODUCED 3-1-11

The bill would allow the proceeds obtained from the sale of property forfeited for crimes involving controlled substances to be used for any law enforcement purpose rather than only for law enforcement related to controlled substances violations.

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 is not harmful to the public, require the Michigan Board of Pharmacy to take custody of any 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 (such as 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.

The bill would amend Part 75 of Article 7 of the Public Health Code (MCL 333.7524), entitled "Enforcement and Administration," to instead require a seizing agency to use the money obtained from forfeiture proceedings relating to controlled substance violations only for law enforcement purposes. (Property subject to seizure and forfeiture sales may include money, negotiable instruments, cars, planes, boats, houses, and land.)

FISCAL IMPACT:

The bill would have no fiscal impact on state or local revenues or expenditures. It does, however, expand the allowable use of revenues derived from property forfeitures under the State's controlled substances statutes by allowing their use for any law enforcement purpose, rather than law enforcement purposes pertaining to controlled substances.

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