



Senate Fiscal Agency
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House Bill 4349 (Substitute H-2 as reported without amendment)

Sponsor: Representative Kurt Heise

House Committee: Judiciary

Senate Committee: Judiciary

CONTENT

The bill would amend Article 7 (Controlled Substances) of the Public Health Code to require proceeds of the sale of forfeited property to be used for law enforcement purposes, rather than strictly for law enforcement efforts pertaining to Article 7.

Article 7 describes property that is subject to forfeiture for violations of the article, and provides for forfeiture proceedings. When property is forfeited, the local unit or the State may retain it for official use or dispose of it in several ways, including selling property that is not required to be destroyed by law and is not harmful to the public.

If the local unit or the State sells property, the proceeds must be used to pay expenses of the forfeiture and sale. The balance must be used to enhance law enforcement efforts pertaining to Article 7. The bill instead would require that money to be used only for law enforcement purposes.

In addition, under Article 7, a distribution made to a seizing agency must serve as a supplement to, and not a replacement for, the funds budgeted on January 1, 1991, for law enforcement efforts pertaining to Article 7. The bill would delete the reference to that date and Article 7, requiring a distribution to serve as a supplement to, and not a replacement for, funds otherwise budgeted for law enforcement purposes.

MCL 333.7524

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would allow proceeds from drug law forfeited property to be used for law enforcement purposes other than simply drug law enforcement efforts. It cannot be known at this time the frequency or degree affected law enforcement agencies would choose to redirect drug law forfeiture funds in this manner, but it is reasonable to assume that some agencies would do so.

Total net proceeds available to criminal justice agencies through drug-related asset forfeitures for 2010 were \$21,338,661. From this amount, proceeds received by various law enforcement entities included \$14,609,285 for local police, \$3,206,614 for multijurisdictional task forces, \$448,868 for the State Police, \$3,022,106 for sheriffs' offices, and \$51,820 for prosecuting attorneys.

Date Completed: 8-24-11

Fiscal Analyst: Bruce Baker