



Senate Fiscal Agency  
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## BILL ANALYSIS



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Senate Bill 761 (Substitute S-1 as reported)  
Sponsor: Senator Curtis S. VanderWall  
Committee: Judiciary and Public Safety

**CONTENT**

The bill would amend Part 75 (Enforcement and Administration) of the Public Health Code to exempt from certain forfeiture proceedings property seized by law enforcement officers appointed by a public airport authority or by a regional airport authority.

Under Section 7521a, except as otherwise provided, property may be seized for a violation of Article 7 (Controlled Substance) of the Code, but is not subject to forfeiture or disposition unless a criminal proceeding involving or relating to the property has been completed and the defendant pleads guilty to or is convicted of a violation of Article 7. A criminal conviction or guilty plea is not required if one or more of a list of circumstances apply.

Under Section 7523a, if Section 7521a applies to a forfeiture case under Article 7, the seized property is subject to forfeiture, and a person has filed a claim to property or an objection to forfeiture, a civil asset forfeiture action must be stayed while applicable criminal proceedings are pending. The action must proceed after the defendant is convicted of, or enters a guilty plea to, the offense involved, or one or more events described in Section 7521a applies.

Under the bill, except in forfeiture proceedings in which the aggregate fair market value of the property and currency seized exceeded \$10,000, excluding the value of contraband, Sections 7521a and 7523a would not apply to forfeiture proceedings initiated in connection with the seizure of property by law enforcement officers appointed by a public airport authority or by a regional airport authority.

MCL 333.7521a & 333.7523a

Legislative Analyst: Stephen Jackson

**FISCAL IMPACT**

The bill would have an indeterminate positive fiscal impact on local governments that operate a public airport authority or a regional airport authority. It would remove restrictions as to when law enforcement agencies could seize cash and property related to crimes under the Public Health Code, specifically controlled substance violations. The Act generally restricts forfeiture of property for controlled substance violations to those instances in which a conviction eventually follows, either by trial or plea agreement. The bill would exempt seizure by law enforcement officers appointed by a public airport authority or a regional airport authority. It is unknown what amount of property or cash would go to airport authorities or local law enforcement agencies, but it is likely the provisions of the bill would increase revenue from forfeiture by some amount.

Date Completed: 3-16-20

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