



Senate Fiscal Agency
P.O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bill 4001 (Substitute S-1 as reported)
House Bill 4002 (Substitute S-1 as reported)
Sponsor: Representative Jason Wentworth (H.B. 4001)
Representative David LaGrand (H.B. 4002)
House Committee: Judiciary
Senate Committee: Judiciary and Public Safety

CONTENT

House Bill 4001 (S-1) would amend Article 7 (Controlled Substances) of the Public Health Code to do the following:

- Require, under certain circumstances, a civil forfeiture case under the Code to be stayed while applicable criminal proceedings were pending, and to proceed after the defendant was convicted or entered a guilty plea to the criminal offense involved, or if other conditions applied.
- Require a plaintiff, at a forfeiture hearing, to prove that the property was subject to forfeiture or, if a person other than the defendant were claiming an interest in the property, that the person had prior knowledge of or consented to the commission of the crime.
- Require property to be returned to an owner within 14 days under certain circumstances, including if the plaintiff failed to meet his or her burden of proof, a warrant was not issued within 90 days of a seizure, or the person charged with the crime was acquitted.
- Allow a party to a forfeiture proceeding to seek an extension of the prescribed time periods for good cause.

House Bill 4002 (S-1) would amend Article 7 of the Code to do the following:

- Require a local unit of government or the State, as applicable, to notify a person, if charges had been filed against him or her, that property had been seized.
- Allow a person claiming an interest in certain property that was seized without process to file a written claim expressing any objection to forfeiture.
- Require the State Court Administrative Office (SCAO) to develop and make available forms for relinquishing ownership of property, and forms to assert an ownership interest in seized property valued at less than \$50,000.

The bills are tie-barred to each other, and both bills are tie-barred to Senate Bill 2. (Senate Bill 2 (H-1) would amend Article 7 of the Code to specify, among other things, that property seized for a violation of Article 7 would not be subject to forfeiture or disposition unless certain circumstances applied, such as the property owner was convicted for a violation of Article 7, or he or she relinquished ownership of the property.)

Proposed MCL 333.7523a (H.B. 4001)
MCL 333.7523 (H.B. 4002)

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

House Bill 4001 (S-1) would have no fiscal impact on State or local government.

House Bill 4002 (S-1) would have a minimal fiscal impact on the State Court Administrative Office. The bill would require the SCAO to create and make available two forms: one for the owner of seized property to relinquish that property, and one for claimants to assert an ownership interest in seized property valued at less than \$50,000. The cost for creating and distributing these forms likely would be nominal.

Date Completed: 4-24-19

Fiscal Analyst: Bruce Baker
Michael Siracuse