



**House  
Legislative  
Analysis  
Section**

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**COORDINATE ACTION UNDER FORFEITURE LAW**

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House Bill 4586 as enrolled  
Second Analysis (1-28-88)

FEB 25 1988

Mich. State Law Library

Sponsor: Rep. Ilona Varga  
House Committee: Judiciary  
Senate Committee: Judiciary

***THE APPARENT PROBLEM:***

The forfeiture law within the Public Health Code authorizes the state and local units of government to seize property acquired through or used in drug trafficking. The forfeiture action is a civil one that is undertaken separately from any associated criminal prosecution for narcotics laws violations. There are reports that occasionally seized and forfeited property is sold or returned before prosecution is completed, thus depriving the prosecution of valuable evidence. It is possible for drug-related property to be seized and forfeited without the local prosecutor ever being notified. Prosecutors urge that the forfeiture law be amended to ensure that civil forfeiture actions are coordinated with any associated criminal prosecutions.

***THE CONTENT OF THE BILL:***

The bill would amend the Public Health Code's forfeiture law to require the seizing agency (typically, the local police or the state police) to immediately notify either the local prosecutor or the attorney general, as applicable, of seizure of property and the intention to "forfeit and dispose" of the property. Neither a local unit of government nor the state could dispose of seized property without the written consent of the prosecutor or the attorney general. However, the bill would not apply when all criminal proceedings relating to the property had been completed.

MCL 333.7523 and 333.7524

***FISCAL IMPLICATIONS:***

According to the Senate Fiscal Agency, the bill would have no fiscal impact on state or local government. (1-5-88)

***ARGUMENTS:***

***For:***

The bill would ensure that prosecutors are notified when police seize drug-related property under the forfeiture law, thereby ensuring that an opportunity for criminal prosecution is not lost. By requiring prosecutor approval before the disposition of that property, the bill would ensure that prosecutions are not compromised by the premature release of evidence.

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