
Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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House Bill 4729 (as reported with amendment)
Sponsor: Representative Kirk Profit
House Committee: Commerce
Senate Committee: Financial Services

CONTENT

The bill would amend the Revised Judicature Act (RJA) to provide for the seizure of items bearing a counterfeit trademark. The bill is tie-barred to House Bill 4728 and would take effect on November 1, 1997.

Chapter 47 of the RJA provides for the seizure and forfeiture of personal property that is the proceeds, substituted proceeds, or instrumentality of certain specified crimes and real property that is the proceeds or substituted proceeds of those crimes. (Real property that is the primary residence of the spouse or a dependent child of the owner, is not subject to seizure and forfeiture unless the spouse or dependent child had prior knowledge, and consented to the commission, of the crime.)

The bill would add the offenses in House Bill 4728 to the RJA's definition of "crime" subject to seizure and forfeiture.

MCL 600.4701

Legislative Analyst: P. Affholter

FISCAL IMPACT

House Bills 4728 and 4729 would have an indeterminate fiscal impact on State and local government. There are insufficient data at this time to predict how many annual violations could occur and what type of sanction would be imposed for each violation. The maximum penalty established in House Bill 4728 is five years in State prison or a fine of \$50,000. The longest minimum sentence that could be imposed would be two-thirds of five years, or about 3.3 years. The average annual cost for incarcerating an offender for a typical property crime in a low security facility is about \$15,000.

Date Completed: 10-10-97

Fiscal Analyst: K. Firestone