

Legislative Analysis



DISTRIBUTION OF PROCEEDS FROM THE SALE OF FORFEITED VEHICLE OR PROPERTY

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4240 as introduced
Sponsor: Rep. Jeff Yaroch

Analysis available at
<http://www.legislature.mi.gov>

House Bill 4241 as introduced
Sponsor: Rep. Douglas C. Wozniak

Committee: Judiciary
Complete to 5-17-21

SUMMARY:

House Bills 4240 and 4241 would amend the Revised Judicature Act and the Michigan Vehicle Code, respectively, to revise the distribution of proceeds from the sale of forfeited items under those acts.

Currently, if a vehicle is forfeited under the Michigan Vehicle Code, or if property is forfeited under the Revised Judicature Act, the seized vehicle or property is sold and the proceeds are distributed in an order of priority. Any balance remaining after these specified payments is then distributed by the court to the unit or units of government substantially involved in effecting the forfeiture. Each act requires that 75% of that money must be used to enhance enforcement of the criminal laws, while 25% must be used to implement the William Van Regenmorter Crime Victim's Rights Act.

Under the bills, the remaining balance would be distributed specifically to the treasurer of the substantially involved unit or units of government. The 75% apportionment would have to be used to enhance enforcement of the criminal laws as appropriated by the entity with budgetary authority over the unit or units of government. If the county were the unit or one of the units of government substantially involved in effecting the forfeiture, no more than 30% of the remaining balance (or, in the alternative, an amount not exceeding an hourly rate agreed to by the seizing agency and the appropriate prosecutor) could be directed to the prosecuting attorney for the county. The 25% apportionment currently in the law would not be changed.

MCL 257.625n (HB 5973)
MCL 600.4708 (HB 5974)

FISCAL IMPACT:

A fiscal analysis is in progress.

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