

Legislative Analysis



DISTRIBUTION OF PROCEEDS FROM THE SALE OF FORFEITED VEHICLE OR PROPERTY

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

House Bills 5973 and 5974 as introduced

Sponsor: Rep. Jeff Yaroeh

Committee: Judiciary

Complete to 9-21-20

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

SUMMARY:

House Bills 5973 and 5974 would amend the Michigan Vehicle Code and the Revised Judicature Act, respectively, to revise the distribution of proceeds from the sale of forfeited items under the 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 unit or units of government, and 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, with no more than 10% being directed to the prosecuting attorney for the county (if the county is one of the units of government).

MCL 257.625n (HB 5973)

MCL 600.4708 (HB 5974)

FISCAL IMPACT:

A fiscal analysis is in progress.

Legislative Analyst: Emily S. Smith

Fiscal Analyst: Robin Risko

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.