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Senate Bill 750 (Substitute S-1 as reported) Sponsor: Senator John Pappageorge

Committee: Judiciary

CONTENT

The bill would amend Article 7 (Controlled Substances) of the Public Health Code to do the following in regard to the forfeiture of real property for controlled substance violations:

- -- Allow a seizing agency, with the approval of the county prosecutor or the Attorney General, to request expedited proceedings on the ground that a building or structure subject to forfeiture constituted a health or safety hazard and the agency intended to demolish it upon forfeiture.
- -- Require each party with an ownership, possessory, or secured interest in the property to be notified of the expedited proceedings and given an opportunity to be heard.
- -- Allow a court order to provide for immediate demolition of the building or structure at the discretion of the seizing agency.
- -- Provide that if the property were to be sold or transferred by the seizing agency after forfeiture, the court could execute the necessary documents at the time of forfeiture, with the approval of the county prosecutor or the Attorney General.
- -- Allow a local unit of government to preserve forfeited real property for historic purposes, convert it to a park or natural area, demolish it, or convey it to the State, a local unit, or a nonprofit entity for specific purposes.
- -- Require a local unit's annual report of forfeiture activities to include information about real property disposed of by those methods.

MCL 333.7523-333.7524a

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would exhibit a negligible effect on State and local revenue and expenditures. For property affected by the changes creating an expedited process for demolishing structures, the bill would accelerate the timing of any demolition costs as well as any future revenue from disposal of the property. The new provisions regarding the treatment of seized property would potentially allow property to be put to new uses, which could increase either costs or revenue or both, depending on the nature of the property and how it was disposed of under the bill's provisions.

Date Completed: 12-1-09 Fiscal Analyst: David Zin