



# DPS TRAINING BULLETIN

LEGAL BULLETIN NO. 200  
March 23, 1996

## FORFEITURE--INNOCENT OWNER DEFENSE

Reference: Tina B. Bennis  
v.  
Michigan

United States Supreme Court  
No. 94-8729  
March 4, 1996

### FACTS:

Tina was a joint owner with her husband, John, of an automobile in which John engaged in sexual activity with a prostitute. John Bennis was convicted of gross indecency. The State then sued both John and Tina to have the car declared a public nuisance and abated under Michigan's Compiled Laws. The vehicle, valued at \$600.00, was subsequently forfeited to Michigan.

Tina Bennis argued that her interest in the car should not have been abated, because she did not know her husband would use the car to violate Michigan's indecency law.

### ISSUE:

Does Michigan's abatement law violate the Fourteenth (due process) or Fifth (taking her interest for public use without compensation) Amendments to the United States Constitution?

HELD: No.

### REASONING:

1. Forfeiture serves a deterrent purpose distinct from any punitive purposes.
2. Forfeiture of property prevents illegal uses--both by preventing further illicit use of the property and by imposing an economic penalty, thereby rendering illegal behavior unprofitable.
3. Because Michigan also deters dangerous driving by making a motor vehicle owner liable for negligent operation of a vehicle by a driver having the owner's consent to use it, the petitioner in this case (Tina) was also potentially liable for her husband's use of the car in violation of Michigan's negligence law.

NOTES:

This case is about Michigan's abatement/forfeiture statutes and the fact that they do not violate the United States Constitution.

Remember that the United States Congress exempted innocent owners from the Federal forfeiture laws, as long as they can prove they did not know their property was being used for illegal purposes. Many states also do not allow forfeiture from innocent parties. Alaska laws generally protect innocent owners from forfeitures.

Review of the following cases is recommended; all three concern some recent forfeiture issues:

Johnson v. Johnson, Legal Bulletin No. 176  
Austin v. U.S., Legal Bulletin No. 179  
Libretti v. U.S., Legal Bulletin No. 195

NOTE TO SUBSCRIBERS TO THE ALASKA LEGAL BRIEFS MANUAL:

Add this case to Section Q, "Miscellaneous Cases of Interest," of your Contents and Text. File Legal Bulletin No. 200 numerically under Section R of the manual.