



HOUSE BILL No. 5921

November 10, 1994 Introduced by Rep Varga and referred to the Committee on Judiciary

A bill to amend section 4701 of Act No 236 of the Public Acts of 1961, entitled as amended
'Revised judicature act of 1961,
as amended by Act No 245 of the Public Acts of 1993, being section 600 4701 of the Michigan Compiled Laws

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Section 4701 of Act No 236 of the Public Acts
2 of 1961, as amended by Act No 245 of the Public Acts of 1993,
3 being section 600 4701 of the Michigan Compiled Laws, is amended
4 to read as follows

5 Sec 4701 As used in this chapter

6 (a) "Crime" means 1 of the following offenses in connection
7 with which the forfeiture of property is sought

1 (i) A violation of section 4 5 or 7 of the medicaid false
 2 claim act Act No 72 of the Public Acts of 1977 being sections
 3 400 604 400 605, and 400 607 of the Michigan Compiled Laws

4 (ii) A violation of section 2 or 3 of the Michigan antitrust
 5 reform act, Act No 274 of the Public Acts of 1984, being sec-
 6 tions 445 772 and 445 773 of the Michigan Compiled Laws

7 (iii) A violation of section 409 of the uniform securities
 8 act Act No 265 of the Public Acts of 1964 being section
 9 451 809 of the Michigan Compiled Laws

10 (iv) A violation of section 5 or 7 of Act No 33 of the
 11 Public Acts of 1978, being sections 722 675 and 722 677 of the
 12 Michigan Compiled Laws

13 (v) A violation of section 75, 94, 95, 96, 100, 104 105,
 14 106, 110 112, 117, 118, 119, 120, 121, 124, 145c 157q, 157r,
 15 174, 175, 176, 180, 181, 182, 213, 214, 218, 224, 248, 249, 250,
 16 251, 252, 253, 254, 255, 271, 272 273, 274 300, 356, 357, 357a,
 17 359, 360 411J 529, 530, 531, or 535 of the Michigan penal code,
 18 Act No 328 of the Public Acts of 1931 being sections 750 75
 19 750 94, 750 95, 750 96 750 100 750 104 750 105, 750 106,
 20 750 110 750 112, 750 117, 750 118, 750 119, 750 120 750 121
 21 750 124, 750 145c, 750 157q, 750 157r, 750 174, 750 175, 750 176,
 22 750 180, 750 181, 750 182, 750 213, 750 214, 750 218, 750 224
 23 750 248, 750 249, 750 250, 750 251, 750 252 750 253, 750 254
 24 750 255, 750 271, 750 272, 750 273, 750 274, 750 300 750 356,
 25 750 357, 750 357a, 750 359 750 360 750 411J 750 529 750 530,
 26 750 531, and 750 535 of the Michigan Compiled Laws

1 (vi) A violation of section 219a of Act No 328 of the
2 Public Acts of 1931 being section 750 219a of the Michigan
3 Compiled Laws, if the total value of the telephone service
4 obtained is over \$100 00

5 (vii) Conspiracy to commit an offense listed in subpara-
6 graphs (i) to (vi)

7 (viii) A violation of the recreational trespass act, Act
8 No 323 of the Public Acts of 1976, being sections 317 171 to
9 317 181 of the Michigan Compiled Laws, that is punishable under
10 section 9(2) of the recreational trespass act, Act No 323 of the
11 Public Acts of 1976, being section 317 179 of the Michigan
12 Compiled Laws

13 (b) "Instrumentality of a crime" means any property, other
14 than real property, the use of which contributes directly and
15 materially to the commission of a crime

16 (c) "Person" means an individual, corporation, partnership
17 or other business entity or an unincorporated or voluntary
18 association

19 (d) "Proceeds of a crime" means any property obtained
20 through the commission of a crime, including any appreciation in
21 the value of the property

22 (e) "Security interest" means any interest in real or per-
23 sonal property that secures payment or performance of an
24 obligation

25 (f) "Substituted proceeds of a crime" means any property
26 obtained or any gain realized by the sale or exchange of proceeds
27 of a crime

1 Section 2 This amendatory act shall not take effect unless
2 House Bill No 4433 of the 87th Legislature is enacted into law