

Act No. 229
Public Acts of 1995
Approved by the Governor
December 13, 1995
Filed with the Secretary of State
December 19, 1995

**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1995**

Introduced by Reps. Law, Jamian, Rocca, Bullard, Dobronski and DeMars

Reps. Alley, Bodem, Byl, Dalman, DeHart, Galloway, Gubow, Jellema, Jersevic, Johnson, London, McBryde, Munsell, Oxender, Palamara, Perricone, Porreca, Profit, Randall, Ryan, Schroer, Scott, Voorhees and Weeks named co-sponsors

ENROLLED HOUSE BILL No. 4656

AN ACT to amend section 4701 of Act No. 236 of the Public Acts of 1961, entitled as amended "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act," 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:

Section 1. Section 4701 of Act No. 236 of the Public Acts of 1961, as amended by Act No. 245 of the Public Acts of 1993, being section 600.4701 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 4701. As used in this chapter:

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

(i) A violation of section 4, 5, or 7 of the medicaid false claim act, Act No. 72 of the Public Acts of 1977, being sections 400.604, 400.605, and 400.607 of the Michigan Compiled Laws.

(ii) A violation of section 2 or 3 of the Michigan antitrust reform act, Act No. 274 of the Public Acts of 1984, being sections 445.772 and 445.773 of the Michigan Compiled Laws.

(iii) A violation of section 409 of the uniform securities act, Act No. 265 of the Public Acts of 1964, being section 451.809 of the Michigan Compiled Laws.

(iv) A violation of section 5 or 7 of Act No. 33 of the Public Acts of 1978, being sections 722.675 and 722.677 of the Michigan Compiled Laws.

(v) A violation of section 49, 75, 94, 95, 96, 100, 104, 105, 106, 110, 112, 117, 118, 119, 120, 121, 124, 145c, 157q, 157r, 174, 175, 176, 180, 181, 182, 213, 214, 218, 224, 248, 249, 250, 251, 252, 253, 254, 255, 271, 272, 273, 274, 300, 356, 357, 357a, 359, 360, 529, 530, 531, or 535 of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being sections 750.49, 750.75, 750.94, 750.95, 750.96, 750.100, 750.104, 750.105, 750.106, 750.110, 750.112, 750.117, 750.118, 750.119, 750.120, 750.121, 750.124, 750.145c, 750.157q, 750.157r, 750.174, 750.175, 750.176, 750.180, 750.181, 750.182, 750.213, 750.214, 750.218, 750.224, 750.248, 750.249, 750.250, 750.251, 750.252, 750.253, 750.254, 750.255, 750.271, 750.272, 750.273, 750.274, 750.300, 750.356, 750.357, 750.357a, 750.359, 750.360, 750.529, 750.530, 750.531, and 750.535 of the Michigan Compiled Laws.

(vi) A violation of section 219a of Act No. 328 of the Public Acts of 1931, being section 750.219a of the Michigan Compiled Laws, if the total value of the telephone service obtained is over \$100.00.

(vii) Conspiracy to commit an offense listed in subparagraphs (i) to (vi).

(viii) A violation of part 731 (recreational trespass) of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being sections 324.73101 to 324.73111 of the Michigan Compiled Laws, that is punishable under section 73110(2) of Act No. 451 of the Public Acts of 1994, being section 324.73110 of the Michigan Compiled Laws.

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

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

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

(e) "Security interest" means any interest in real or personal property that secures payment or performance of an obligation.

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

Section 2. This amendatory act shall not take effect unless House Bill No. 4655 of the 88th Legislature is enacted into law.

Section 3. This amendatory act shall take effect January 1, 1996.

This act is ordered to take immediate effect.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.