

Act No. 327  
Public Acts of 1996  
Approved by the Governor  
June 25, 1996  
Filed with the Secretary of State  
June 26, 1996

**STATE OF MICHIGAN**  
**88TH LEGISLATURE**  
**REGULAR SESSION OF 1996**

Introduced by Reps. Jellema, Law and Perricone

# **ENROLLED HOUSE BILL No. 5749**

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. 229 of the Public Acts of 1995, being section 600.4701 of the Michigan Compiled Laws; and to add section 4703a.

*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. 229 of the Public Acts of 1995, being section 600.4701 of the Michigan Compiled Laws, is amended and section 4703a is added 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, 219a, 224, 248, 249, 250, 251, 252, 253, 254, 255, 271, 272, 273, 274, 300, 356, 357, 357a, 359, 360, 529, 530, 531, 535, 540c, or 540g 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, 750.219a, 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, 750.535, 750.540c, and 750.540g of the Michigan Compiled Laws.

(vi) 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.

(vii) A violation of section 7 of Act No. 53 of the Public Acts of 1979, being section 752.797 of the Michigan Compiled Laws.

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

(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.

Sec. 4703a. (1) If a computer or computer information storage device is seized for a violation of Act No. 53 of the Public Acts of 1979, being sections 752.791 to 752.797 of the Michigan Compiled Laws, the seizing agency shall immediately make a copy of all information contained in that computer or computer information storage device under the supervision of the court and in a manner approved by the court having jurisdiction and provide that copy to the court.

(2) The court shall retain the copy received under subsection (1) as a confidential record. The copy shall be used only to verify the integrity of the information contained in the computer or computer information storage device seized. Upon conclusion of the proceedings, the court shall order the copy of the information destroyed.

(3) As used in this section:

(a) "Computer" means that term as defined in section 2(3) of Act No. 53 of the Public Acts of 1979, being section 752.792 of the Michigan Compiled Laws.

(b) "Computer storage device" means a tape, disk, card, or other device used or intended to be used to store information for use by a computer.

Section 2. This amendatory act shall take effect April 1, 1997.

Section 3. This amendatory act shall not take effect unless all of the following bills of the 88th Legislature are enacted into law:

- (a) House Bill No. 5748.
- (b) House Bill No. 5750.
- (c) House Bill No. 5751.
- (d) House Bill No. 5752.
- (e) House Bill No. 5753.
- (f) House Bill No. 5754.
- (g) House Bill No. 5755.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved \_\_\_\_\_

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Governor.