



HOUSE BILL No. 5749

April 17, 1996, Introduced by Reps. Jellema, Law and Perricone and referred to the Committee on Commerce.

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. 229 of the Public Acts of 1995, 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. 229 of the Public Acts of 1995,
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 49, 75, 94, 95, 96, 100, 104,
14 105, 106, 110, 112, 117, 118, 119, 120, 121, 124, 145c, 157q,
15 157r, 174, 175, 176, 180, 181, 182, 213, 214, 218, 219A, 224,
16 248, 249, 250, 251, 252, 253, 254, 255, 271, 272, 273, 274, 300,
17 356, 357, 357a, 359, 360, 529, 530, 531, ~~or~~ 535, 540C, OR 540G
18 of the Michigan penal code, Act No. 328 of the Public Acts of
19 1931, being sections 750.49, 750.75, 750.94, 750.95, 750.96,
20 750.100, 750.104, 750.105, 750.106, 750.110, 750.112, 750.117,
21 750.118, 750.119, 750.120, 750.121, 750.124, 750.145c, 750.157q,
22 750.157r, 750.174, 750.175, 750.176, 750.180, 750.181, 750.182,
23 750.213, 750.214, 750.218, 750.219A, 750.224, 750.248, 750.249,
24 750.250, 750.251, 750.252, 750.253, 750.254, 750.255, 750.271,
25 750.272, 750.273, 750.274, 750.300, 750.356, 750.357, 750.357a,
26 750.359, 750.360, 750.529, 750.530, 750.531, ~~and~~ 750.535,
27 750.540C, AND 750.540G 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 (vi) ~~(viii)~~ A violation of part 731 (recreational
8 trespass) of the natural resources and environmental protection
9 act, Act No. 451 of the Public Acts of 1994, being sections
10 324.73101 to 324.73111 of the Michigan Compiled Laws, that is
11 punishable under section 73110(2) of Act No. 451 of the Public
12 Acts of 1994, being section 324.73110 of the Michigan Compiled
13 Laws.

14 (vii) A VIOLATION OF SECTION 7 OF ACT NO. 53 OF THE PUBLIC
15 ACTS OF 1979, BEING SECTION 752.797 OF THE MICHIGAN COMPILED
16 LAWS.

17 (viii) CONSPIRACY TO COMMIT AN OFFENSE LISTED IN SUBPARA-
18 GRAPHS (i) TO (vii).

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

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

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

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

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

7 Section 2. This amendatory act shall take effect April 1,
 8 1997.

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

12 (a) Senate Bill No. _____ or House Bill No. 5752
 13 (request no. 05277'95).

14 (b) Senate Bill No. _____ or House Bill No. 5748
 15 (request no. 05833'95 *).

16 (c) Senate Bill No. _____ or House Bill No. _____
 17 (request no. 05833'95 a).

18 (d) Senate Bill No. _____ or House Bill No. 5751
 19 (request no. 06378'95).

20 (e) Senate Bill No. _____ or House Bill No. 5755
 21 (request no. 06379'95).

22 (f) Senate Bill No. _____ or House Bill No. 5754
 23 (request no. 06380'95).

24 (g) Senate Bill No. _____ or House Bill No. 5750
 25 (request no. 06381'95).