



# SENATE BILL No. 36

January 17, 1995, Introduced by Senator BOUCHARD 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, 529, 530, 531, or 535 of the Michigan penal code, Act  
18 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, 750.529, 750.530, 750.531,  
26 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) A VIOLATION OF SECTION 625(1) OF THE MICHIGAN VEHICLE  
6 CODE, ACT NO. 300 OF THE PUBLIC ACTS OF 1949, BEING  
7 SECTION 257.625 OF THE MICHIGAN COMPILED LAWS, THAT IS PUNISHABLE  
8 UNDER SECTION 625(7)(D) OF ACT NO. 300 OF THE PUBLIC ACTS OF  
9 1949.

10 (viii) A VIOLATION OF SECTION 625(3) OF THE MICHIGAN VEHICLE  
11 CODE, ACT NO. 300 OF THE PUBLIC ACTS OF 1949, BEING SECTION  
12 257.625 OF THE MICHIGAN COMPILED LAWS, THAT IS PUNISHABLE UNDER  
13 SECTION 625(9)(C) OF ACT NO. 300 OF THE PUBLIC ACTS OF 1949.

14 (ix) A VIOLATION OF SECTION 625(4) OR (5) OF THE MICHIGAN  
15 VEHICLE CODE, ACT NO. 300 OF THE PUBLIC ACTS OF 1949, BEING SEC-  
16 TION 257.625 OF THE MICHIGAN COMPILED LAWS.

17 (x) ~~(vii)~~ Conspiracy to commit an offense listed in sub-  
18 paragraphs (i) to ~~(vi)~~ (ix).

19 (xi) ~~(viii)~~ A violation of the recreational trespass act,  
20 Act No. 323 of the Public Acts of 1976, being sections 317.171 to  
21 317.181 of the Michigan Compiled Laws, that is punishable under  
22 section 9(2) of the recreational trespass act, Act No. 323 of the  
23 Public Acts of 1976, being section 317.179 of the Michigan  
24 Compiled Laws.

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

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

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

7 (e) "Security interest" means any interest in real or per-  
8 sonal property that secures payment or performance of an  
9 obligation.

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