

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 768

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending sections 4701, 8401a, and 8424 (MCL 600.4701,
600.8401a, and 600.8424), section 4701 as amended by 1998 PA 141,
section 8401a as added by 1984 PA 278, and section 8424 as
amended by 1991 PA 192.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 4701. As used in this chapter:
2 (a) "Crime" means 1 of the following offenses in connection
3 with which the forfeiture of property is sought:
4 (i) A violation of part 111 of the natural resources and
5 environmental protection act, 1994 PA 451, MCL 324.11101 to
6 324.11152.

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1 (ii) A violation of part 121 of the natural resources and
2 environmental protection act, 1994 PA 451, MCL 324.12101 to
3 ~~324.12118~~ 324.12117.

4 ~~(iii) A violation of part 731 of the natural resources and~~
5 ~~environmental protection act, 1994 PA 451, MCL 324.73101 to~~
6 ~~324.73111, that is punishable under section 73110(2) of that~~
7 ~~act.~~

8 (iii) ~~(iv)~~ A violation of section 4, 5, or 7 of the medi-
9 caid false claim act, 1977 PA 72, MCL 400.604, 400.605, and
10 400.607.

11 (iv) ~~(v)~~ A violation of section 2 or 3 of the Michigan
12 antitrust reform act, 1984 PA 274, MCL 445.772 and 445.773.

13 (v) ~~(vi)~~ A violation ~~of~~ DESCRIBED IN section 409 of the
14 uniform securities act, 1964 PA 265, MCL 451.809.

15 (vi) ~~(vii)~~ A violation of section 5 or 7 of 1978 PA 33,
16 MCL 722.675 and 722.677.

17 (vii) ~~(viii)~~ A violation of section 49, 75, 94, 95, 96,
18 100, 104, 105, 106, 110, 112, 117, 118, 119, 120, 121, 124, 145c,
19 157q, 157r, 174, 175, 176, 180, 181, 182, 213, 214, 218, 219a,
20 224, 248, 249, 250, 251, 252, 253, 254, 255, 263, 264, 271, 272,
21 273, 274, 300, 356, 357, 357a, 359, 360, 529, 530, 531, 535,
22 540c, or 540g of the Michigan penal code, 1931 PA 328, MCL
23 750.49, 750.75, 750.94, 750.95, 750.96, 750.100, 750.104,
24 750.105, 750.106, 750.110, 750.112, 750.117, 750.118, 750.119,
25 750.120, 750.121, 750.124, 750.145c, 750.157q, 750.157r, 750.174,
26 750.175, 750.176, 750.180, 750.181, 750.182, 750.213, 750.214,
27 750.218, 750.219a, 750.224, 750.248, 750.249, 750.250, 750.251,

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1 750.252, 750.253, 750.254, 750.255, 750.263, 750.264, 750.271,
2 750.272, 750.273, 750.274, 750.300, 750.356, 750.357, 750.357a,
3 750.359, 750.360, 750.529, 750.530, 750.531, 750.535, 750.540c,
4 and 750.540g.

5 (viii) ~~(ix)~~ A violation ~~of~~ DESCRIBED IN section 7 of
6 1979 PA 53, MCL 752.797.

7 (ix) ~~(x)~~ Conspiracy to commit an offense listed in sub-
8 paragraphs (i) to ~~(ix)~~ (viii).

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

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

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

18 (e) "Security interest" means any interest in real or per-
19 sonal property that secures payment or performance of an
20 obligation.

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

24 Sec. 8401a. (1) The state court administrator shall prepare
25 instruction sheets clearly explaining in plain English how the
26 small claims division functions and how to commence and defend an
27 action in the small claims division. A copy of the instruction

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1 sheet must be given to the claimant upon filing a claim. Copies
2 of the instruction sheets shall be made available at the office
3 of each clerk and deputy clerk of the district court and a copy
4 of the defendant's instruction sheet shall be sent by the clerk
5 or deputy clerk to the defendant along with the copy of the affi-
6 davit served upon the defendant under section 8404.

7 (2) IN ADDITION TO GENERAL INSTRUCTION SHEETS, THE STATE
8 COURT ADMINISTRATOR SHALL PREPARE INSTRUCTION SHEETS UNDER SUB-
9 SECTION (1) SPECIFICALLY FOR AN ACTION UNDER SECTION 73109 OF THE
10 NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451,
11 MCL 324.73109.

12 Sec. 8424. (1) Actions of fraud ~~, except for actions under~~
13 ~~section 2952 or under the Michigan consumer protection act, Act~~
14 ~~No. 331 of the Public Acts of 1976, being sections 445.901 to~~
15 ~~445.922 of the Michigan Compiled Laws,~~ and actions of libel,
16 slander, assault, battery, or other intentional torts shall not
17 be instituted in the small claims division. THIS SUBSECTION DOES
18 NOT APPLY TO EITHER OF THE FOLLOWING:

19 (A) AN ACTION FOR FRAUD UNDER SECTION 2952 OR UNDER THE
20 MICHIGAN CONSUMER PROTECTION ACT, 1976 PA 331, MCL 445.901 TO
21 445.922.

22 (B) AN ACTION UNDER SECTION 73109 OF THE NATURAL RESOURCES
23 AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.73109.

24 (2) Except as provided in subsection (3), the state, a
25 political subdivision of the state, or any other governmental
26 agency shall not be a party to an action in the small claims
27 division.

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1 (3) A county, city, village, township, or local or
2 intermediate school district may file an action in the small
3 claims division. An action may be filed in the small claims
4 division against a county, city, village, township, or local or
5 intermediate school district, but a party may not assert a claim
6 with respect to which the county, city, village, township, or
7 local or intermediate school district has immunity.

8 Enacting section 1. This amendatory act does not take
9 effect unless Senate Bill No. 767 of the 89th Legislature is
10 enacted into law.