

SENATE BILL NO. 731

October 1, 1997, Introduced by Senator BENNETT and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 4701 (MCL 600.4701), as amended by 1996 PA 327.

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.

7 (ii) A VIOLATION OF PART 121 OF THE NATURAL RESOURCES AND
8 ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.12101 TO
9 324.12118.

1 (iii) A VIOLATION OF PART 731 OF THE NATURAL RESOURCES AND
2 ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.73101 TO
3 324.73111, THAT IS PUNISHABLE UNDER SECTION 73110(2) OF THAT ACT.

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

8 (v) ~~(ii)~~ A violation of section 2 or 3 of the Michigan
9 antitrust reform act, ~~Act No. 274 of the Public Acts of 1984,~~
10 ~~being sections 445.772 and 445.773 of the Michigan Compiled Laws~~
11 1984 PA 274, MCL 445.772 AND 445.773.

12 (vi) ~~(iii)~~ A violation of section 409 of the uniform
13 securities act, ~~Act No. 265 of the Public Acts of 1964, being~~
14 ~~section 451.809 of the Michigan Compiled Laws~~ 1964 PA 265, MCL
15 451.809.

16 (vii) ~~(iv)~~ A violation of section 5 or 7 of ~~Act No. 33 of~~
17 ~~the Public Acts of 1978, being sections 722.675 and 722.677 of~~
18 ~~the Michigan Compiled Laws~~ 1978 PA 33, MCL 722.675 AND 722.677.

19 (viii) ~~(v)~~ A violation of section 49, 75, 94, 95, 96, 100,
20 104, 105, 106, 110, 112, 117, 118, 119, 120, 121, 124, 145c,
21 157q, 157r, 174, 175, 176, 180, 181, 182, 213, 214, 218, 219a,
22 224, 248, 249, 250, 251, 252, 253, 254, 255, 271, 272, 273, 274,
23 300, 356, 357, 357a, 359, 360, 529, 530, 531, 535, 540c, or 540g
24 of the Michigan penal code, ~~Act No. 328 of the Public Acts of~~
25 ~~1931, being sections 750.49, 750.75, 750.94, 750.95, 750.96,~~
26 ~~750.100, 750.104, 750.105, 750.106, 750.110, 750.112, 750.117,~~
27 ~~750.118, 750.119, 750.120, 750.121, 750.124, 750.145c, 750.157q,~~

1 ~~750.157r, 750.174, 750.175, 750.176, 750.180, 750.181, 750.182,~~
2 ~~750.213, 750.214, 750.218, 750.219a, 750.224, 750.248, 750.249,~~
3 ~~750.250, 750.251, 750.252, 750.253, 750.254, 750.255, 750.271,~~
4 ~~750.272, 750.273, 750.274, 750.300, 750.356, 750.357, 750.357a,~~
5 ~~750.359, 750.360, 750.529, 750.530, 750.531, 750.535, 750.540c,~~
6 ~~and 750.540g of the Michigan Compiled Laws~~ 1931 PA 328, MCL
7 750.49, 750.75, 750.94, 750.95, 750.96, 750.100, 750.104,
8 750.105, 750.106, 750.110, 750.112, 750.117, 750.118, 750.119,
9 750.120, 750.121, 750.124, 750.145C, 750.157Q, 750.157R, 750.174,
10 750.175, 750.176, 750.180, 750.181, 750.182, 750.213, 750.214,
11 750.218, 750.219A, 750.224, 750.248, 750.249, 750.250, 750.251,
12 750.252, 750.253, 750.254, 750.255, 750.271, 750.272, 750.273,
13 750.274, 750.300, 750.356, 750.357, 750.357A, 750.359, 750.360,
14 750.529, 750.530, 750.531, 750.535, 750.540C, AND 750.540G.

15 ~~(vi) A violation of part 731 (recreational trespass) of the~~
16 ~~natural resources and environmental protection act, Act No. 451~~
17 ~~of the Public Acts of 1994, being sections 324.73101 to 324.73111~~
18 ~~of the Michigan Compiled Laws, that is punishable under section~~
19 ~~73110(2) of Act No. 451 of the Public Acts of 1994, being section~~
20 ~~324.73110 of the Michigan Compiled Laws.~~

21 ~~(ix) (vii) A violation of section 7 of Act No. 53 of the~~
22 ~~Public Acts of 1979, being section 752.797 of the Michigan~~
23 ~~Compiled Laws~~ 1979 PA 53, MCL 752.797.

24 ~~(x) (viii) Conspiracy to commit an offense listed in sub-~~
25 ~~paragraphs (i) to (vii) (ix).~~

SB 731, As Passed Senate, October 29, 1997

SB 731 as amended October 22, 1997

4

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

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

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

10 (e) "Security interest" means any interest in real or per-
11 sonal property that secures payment or performance of an
12 obligation.

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

Enacting section 1. This amendatory act takes effect July 1,
1998.

16 Enacting section 2. This amendatory act does not take
17 effect unless all of the following bills of the 89th Legislature
18 are enacted into law:

19 (a) Senate Bill No. 554.

20 (b) Senate Bill No. 729.

21

22 (c) Senate Bill No. 730.

23