

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 1997 PA 156, 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 section 4, 5, or 7 of the medicaid false  
5 claim act, 1977 PA 72, MCL 400.604, 400.605, and 400.607.  
6       (ii) A violation of section 2 or 3 of the Michigan antitrust  
7 reform act, 1984 PA 274, MCL 445.772 and 445.773.

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1 (iii) A violation ~~of~~ DESCRIBED IN section 409 of the  
2 uniform securities act, 1964 PA 265, MCL 451.809.

3 (iv) A violation of section 5 or 7 of 1978 PA 33, MCL  
4 722.675 and 722.677.

5 (v) A violation of section 49, 75, 94, 95, 96, 100, 104,  
6 105, 106, 110, 112, 117, 118, 119, 120, 121, 124, 145c, 157q,  
7 157r, 174, 175, 176, 180, 181, 182, 213, 214, 218, 219a, 224,  
8 248, 249, 250, 251, 252, 253, 254, 255, 263, 264, 271, 272, 273,  
9 274, 300, 356, 357, 357a, 359, 360, 529, 530, 531, 535, 540c, or  
10 540g of the Michigan penal code, 1931 PA 328, MCL 750.49, 750.75,  
11 750.94, 750.95, 750.96, 750.100, 750.104, 750.105, 750.106,  
12 750.110, 750.112, 750.117, 750.118, 750.119, 750.120, 750.121,  
13 750.124, 750.145c, 750.157q, 750.157r, 750.174, 750.175, 750.176,  
14 750.180, 750.181, 750.182, 750.213, 750.214, 750.218, 750.219a,  
15 750.224, 750.248, 750.249, 750.250, 750.251, 750.252, 750.253,  
16 750.254, 750.255, 750.263, 750.264, 750.271, 750.272, 750.273,  
17 750.274, 750.300, 750.356, 750.357, 750.357a, 750.359, 750.360,  
18 750.529, 750.530, 750.531, 750.535, 750.540c, and 750.540g.

19 ~~(vi) A violation of part 731 (recreational trespass) of the~~  
20 ~~natural resources and environmental protection act, 1994 PA 451,~~  
21 ~~MCL 324.73101 to 324.73111, that is punishable under section~~  
22 ~~73110(2) of that act, MCL 324.73110.~~

23 (vi) ~~(vii)~~ A violation ~~of~~ DESCRIBED IN section 7 of 1979  
24 PA 53, MCL 752.797.

25 (vii) ~~(viii)~~ Conspiracy to commit an offense listed in  
26 subparagraphs (i) to ~~(vii)~~ (vi).

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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.

16 Sec. 8401a. (1) The state court administrator shall prepare  
17 instruction sheets clearly explaining in plain English how the  
18 small claims division functions and how to commence and defend an  
19 action in the small claims division. A copy of the instruction  
20 sheet must be given to the claimant upon filing a claim. Copies  
21 of the instruction sheets shall be made available at the office  
22 of each clerk and deputy clerk of the district court and a copy  
23 of the defendant's instruction sheet shall be sent by the clerk  
24 or deputy clerk to the defendant along with the copy of the affi-  
25 davit served upon the defendant under section 8404.

26 (2) IN ADDITION TO GENERAL INSTRUCTION SHEETS, THE STATE  
27 COURT ADMINISTRATOR SHALL PREPARE INSTRUCTION SHEETS UNDER

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1 SUBSECTION (1) SPECIFICALLY FOR AN ACTION UNDER SECTION 73109 OF  
2 THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA  
3 451, MCL 324.73109.

4 Sec. 8424. (1) Actions of fraud ~~, except for actions under~~  
5 ~~section 2952 or under the Michigan consumer protection act, Act~~  
6 ~~No. 331 of the Public Acts of 1976, being sections 445.901 to~~  
7 ~~445.922 of the Michigan Compiled Laws,~~ and actions of libel,  
8 slander, assault, battery, or other intentional torts shall not  
9 be instituted in the small claims division. THIS SUBSECTION DOES  
10 NOT APPLY TO EITHER OF THE FOLLOWING:

11 (A) AN ACTION FOR FRAUD UNDER SECTION 2952 OR UNDER THE  
12 MICHIGAN CONSUMER PROTECTION ACT, 1976 PA 331, MCL 445.901 TO  
13 445.922.

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

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

20 (3) A county, city, village, township, or local or interme-  
21 diate school district may file an action in the small claims  
22 division. An action may be filed in the small claims division  
23 against a county, city, village, township, or local or intermedi-  
24 ate school district, but a party may not assert a claim with  
25 respect to which the county, city, village, township, or local or  
26 intermediate school district has immunity.

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