

**SENATE BILL NO. 1215**

June 25, 1998, Introduced by Senators VAN REGENMORTER, BOUCHARD, HOFFMAN, BULLARD, SHUGARS, HART and DINGELL and referred to the Committee on Judiciary.

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

8       (ii) A violation of section 2 or 3 of the Michigan antitrust  
9 reform act, ~~Act No. 274 of the Public Acts of 1984, being~~

1 ~~sections 445.772 and 445.773 of the Michigan Compiled Laws~~ 1984  
 2 PA 274, MCL 445.772 AND 445.773.

3 (iii) A violation of section 409 of the uniform securities  
 4 act, ~~Act No. 265 of the Public Acts of 1964, being section~~  
 5 ~~451.809 of the Michigan Compiled Laws~~ 1964 PA 265, MCL 451.809.

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

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

1 750.219A, 750.224, 750.248, 750.249, 750.250, 750.251, 750.252,  
 2 750.253, 750.254, 750.255, 750.271, 750.272, 750.273, 750.274,  
 3 750.300, 750.356, 750.357, 750.357A, 750.359, 750.360, 750.529,  
 4 750.530, 750.531, 750.535, 750.540C, AND 750.540G.

5 (vi) A VIOLATION OF SECTION 479A(3), (4), OR (5) OF THE  
 6 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.479A, OR  
 7 SECTION 602A(3), (4), OR (5) OF THE MICHIGAN VEHICLE CODE, 1949  
 8 PA 300, MCL 257.602A.

9 (vii) ~~-(vi)-~~ A violation of part 731 (recreational trespass)  
 10 of the natural resources and environmental protection act, ~~Act~~  
 11 ~~No. 451 of the Public Acts of 1994, being sections 324.73101 to~~  
 12 ~~324.73111 of the Michigan Compiled Laws~~ 1994 PA 451, MCL  
 13 324.73101 TO 324.73111, that is punishable under section 73110(2)  
 14 of ~~Act No. 451 of the Public Acts of 1994, being section~~  
 15 ~~324.73110 of the Michigan Compiled Laws~~ THAT ACT, MCL  
 16 324.73110.

17 (viii) ~~-(vii)-~~ A violation of section 7 of ~~Act No. 53 of~~  
 18 ~~the Public Acts of 1979, being section 752.797 of the Michigan~~  
 19 ~~Compiled Laws~~ 1979 PA 53, MCL 752.797.

20 (ix) ~~-(viii)-~~ Conspiracy to commit an offense listed in sub-  
 21 paragraphs (i) to ~~-(vii)-~~ (viii).

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

25 (c) "Person" means an individual, corporation, partnership,  
 26 or other business entity, or an unincorporated or voluntary  
 27 association.

1 (d) "Proceeds of a crime" means any property obtained  
2 through the commission of a crime, including any appreciation in  
3 the value of the property.

4 (e) "Security interest" means any interest in real or per-  
5 sonal property that secures payment or performance of an  
6 obligation.

7 (f) "Substituted proceeds of a crime" means any property  
8 obtained or any gain realized by the sale or exchange of proceeds  
9 of a crime.

10 Enacting section 1. This amendatory act takes effect June  
11 1, 1998.

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

15 (a) Senate Bill No. 163.

16 (b) Senate Bill No. \_\_\_\_ or House Bill No. \_\_\_\_ (request  
17 no. 01609'97).

18 (c) Senate Bill No. \_\_\_\_ or House Bill No. \_\_\_\_ (request  
19 no. 01649'97).