

SENATE BILL NO. 1260

September 15, 1998, Introduced by Senator YOUNG 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 1998 PA
141.

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 11512(1) OF THE NATIONAL
5 RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL
6 324.11512.
- 7 (ii) ~~(i)~~ A violation of part 111 of the natural resources
8 and environmental protection act, 1994 PA 451, MCL 324.11101 to
9 324.11152.

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

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

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

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

12 (vii) ~~(vi)~~ A violation of section 409 of the uniform
 13 securities act, 1964 PA 265, MCL 451.809.

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

16 (ix) ~~(viii)~~ A violation of section 49, 75, 94, 95, 96,
 17 100, 104, 105, 106, 110, 112, 117, 118, 119, 120, 121, 124, 145c,
 18 157q, 157r, 174, 175, 176, 180, 181, 182, 213, 214, 218, 219a,
 19 224, 248, 249, 250, 251, 252, 253, 254, 255, 263, 264, 271, 272,
 20 273, 274, 300, 356, 357, 357a, 359, 360, 529, 530, 531, 535,
 21 540c, or 540g of the Michigan penal code, 1931 PA 328, MCL
 22 750.49, 750.75, 750.94, 750.95, 750.96, 750.100, 750.104,
 23 750.105, 750.106, 750.110, 750.112, 750.117, 750.118, 750.119,
 24 750.120, 750.121, 750.124, 750.145c, 750.157q, 750.157r, 750.174,
 25 750.175, 750.176, 750.180, 750.181, 750.182, 750.213, 750.214,
 26 750.218, 750.219a, 750.224, 750.248, 750.249, 750.250, 750.251,
 27 750.252, 750.253, 750.254, 750.255, 750.263, 750.264, 750.271,

1 750.272, 750.273, 750.274, 750.300, 750.356, 750.357, 750.357a,
2 750.359, 750.360, 750.529, 750.530, 750.531, 750.535, 750.540c,
3 and 750.540g.

4 (x) ~~(ix)~~ A violation of section 7 of 1979 PA 53, MCL
5 752.797.

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

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

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

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

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

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