

Act No. 156
Public Acts of 1997
Approved by the Governor
December 22, 1997
Filed with the Secretary of State
December 22, 1997
EFFECTIVE DATE: March 1, 1998

STATE OF MICHIGAN
89TH LEGISLATURE
REGULAR SESSION OF 1997

Introduced by Reps. Profit, Alley, Schroer, Brater, Griffin, Dalman, Richner, Middaugh, Rhead, Mans, Gernaat, Walberg, Schermesser and Thomas

ENROLLED HOUSE BILL No. 4729

AN ACT to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act," by amending section 4701 (MCL 600.4701), as amended by 1996 PA 327.

The People of the State of Michigan enact:

Sec. 4701. As used in this chapter:

(a) "Crime" means 1 of the following offenses in connection with which the forfeiture of property is sought:

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

(ii) A violation of section 2 or 3 of the Michigan antitrust reform act, 1984 PA 274, MCL 445.772 and 445.773.

(iii) A violation of section 409 of the uniform securities act, 1964 PA 265, MCL 451.809.

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

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

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

(vii) A violation of section 7 of 1979 PA 53, MCL 752.797.

(viii) Conspiracy to commit an offense listed in subparagraphs (i) to (vii).

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

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

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

(e) "Security interest" means any interest in real or personal property that secures payment or performance of an obligation.

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

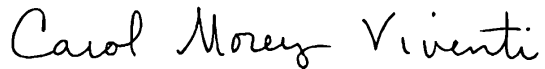
Enacting section 1. This amendatory act takes effect March 1, 1998.

Enacting section 2. This amendatory act does not take effect unless House Bill No. 4728 of the 89th Legislature is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved _____

Governor.