

HOUSE BILL No. 5509

December 12, 2001, Introduced by Reps. Quarles, Koetje, Toy, Julian, Bishop, Caul, Mead, Gosselin, Gilbert, Faunce, Meyer, Van Woerkom, Woronchak, Birkholz, Hummel, Newell, Voorhees, Tabor, Middaugh, Ruth Johnson, Schauer, Ehardt, George, Shackleton, McConico, Lockwood, Bisbee, Kowall, Jelinek, Rocca, Neumann, Bernero, Allen, Sheltroun, DeVuyst, Callahan, Hager, Rivet, Pumford, Zelenko, Lipsey, Phillips, Frank, Jacobs, Basham, Richardville, Kuipers, Pappageorge, Whitmer, Shulman and Cassis and referred to the Committee on Criminal Justice.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 411j (MCL 750.411j), as amended by 1997
PA 75.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 411j. As used in this section and sections 411k to
2 411q:

3 (a) "Controlled substance offense" means a felony violation
4 of part 74 or section 17766a of the public health code, 1978 PA
5 368, MCL 333.7401 to 333.7461 and 333.17766a, concerning con-
6 trolled substances or androgenic anabolic steroids.

7 (b) "Knowingly", in the case of a corporation, means with
8 the approval or prior actual knowledge of the board of directors,
9 a majority of the directors, or persons who together hold a
10 majority of the voting ownership interests in the corporation.

1 In determining whether a majority of the directors approved of or
2 had knowledge of the activity, a director who was not aware of
3 the activity due to his or her own negligence or other fault is
4 regarded as having had knowledge of the activity. This subdivi-
5 sion does not limit the liability of any individual officer,
6 employee, director, or stockholder of a corporation.

7 (c) "Financial transaction" means a purchase, sale, loan,
8 pledge, gift, transfer, delivery, exchange, or other disposition
9 of a monetary instrument or other property and, with respect to a
10 financial institution, includes a deposit, withdrawal, transfer
11 between accounts, exchange of currency, loan, extension of
12 credit, purchase or sale of any stock, bond, certificate of
13 deposit, or other monetary instrument, or any other payment,
14 transfer, or delivery by, through, or to a financial institution,
15 by whatever means effected.

16 (d) "Financial institution" means 1 or more of the follow-
17 ing, if located in or doing business in this state:

18 (i) An insured bank, as defined in section 3(h) of the fed-
19 eral deposit insurance act, CHAPTER 967, 64 STAT. 873, 12
20 U.S.C. 1813(h).

21 (ii) A commercial bank or trust company.

22 (iii) A private banker.

23 (iv) An agency or branch of a foreign bank.

24 (v) A savings and loan institution.

25 (vi) A thrift institution.

26 (vii) A credit union.

1 (viii) A broker or dealer registered with the securities and
2 exchange commission under the securities exchange act of 1934,
3 chapter 404, 48 Stat. 881.

4 (ix) A broker or dealer in securities or commodities.

5 (x) An investment banker or investment company.

6 (xi) A currency exchange.

7 (xii) An insurer, redeemer, or cashier of traveler's checks,
8 checks, or money orders.

9 (xiii) An operator of a credit card system.

10 (xiv) An insurance company.

11 (xv) A dealer in precious metals, stones, or jewels.

12 (xvi) A pawnbroker.

13 (xvii) A loan, finance, or mortgage company.

14 (xviii) A travel agency.

15 (xix) A licensed sender of money.

16 (xx) A telegraph company.

17 (e) "Monetary instrument" means coin or currency of the
18 United States or another country, or group of countries, a
19 traveler's check, personal check, bank check, money order, or
20 investment security or negotiable instrument in bearer form or in
21 any other form such that delivery is sufficient to pass title.

22 (f) "Proceeds of a specified criminal offense" means any
23 monetary instrument or other real, personal, or intangible prop-
24 erty obtained through the commission of a specified criminal
25 offense, including any appreciation in the value of the monetary
26 instrument or property.

1 (g) "Specified criminal offense" means any of the
2 following:

3 (i) A felony violation of section 8 of the tobacco products
4 tax act, 1993 PA 327, MCL 205.428, or section 9 of former 1947 PA
5 265, concerning cigarette taxes.

6 (ii) A violation of section 11151 ~~of part 111 (hazardous~~
7 ~~waste management)~~ of the natural resources and environmental
8 protection act, 1994 PA 451, MCL 324.11151, or section 48(3) of
9 former 1979 PA 64, concerning felonious disposal of hazardous
10 waste.

11 (iii) A controlled substance offense.

12 (iv) A felony violation of section 60 of the social welfare
13 act, 1939 PA 280, MCL 400.60, concerning welfare fraud.

14 (v) A violation of section 4, 5, or 7 of the medicaid false
15 claim act, 1977 PA 72, MCL 400.604, 400.605, and 400.607, con-
16 cerning medicaid fraud.

17 (vi) A felony violation of section 18 of the Michigan gaming
18 control and revenue act, the Initiated Law of 1996, MCL 432.218,
19 concerning the business of gaming.

20 (vii) A violation of section 409 of the uniform securities
21 act, 1964 PA 265, MCL 451.809, concerning securities fraud.

22 (viii) A violation of section 5 or 7 of 1978 PA 33, MCL
23 722.675 and 722.677, concerning the display or dissemination of
24 obscene matter to minors.

25 (ix) A felony violation of section 72, 73, 74, or 75, con-
26 cerning arson.

1 (x) A violation of section 93, 94, 95, or 96, concerning
2 bank bonds, bills, notes, or property.

3 (xi) A violation of section 117, 118, 119, 120, 121, or 124,
4 concerning bribery.

5 (xii) A violation of section 120a, concerning jury
6 tampering.

7 (xiii) A violation of section 145c, concerning child sexu-
8 ally abusive activity or material.

9 (xiv) A felony violation of section 157n, 157p, 157q, 157r,
10 157s, 157t, or 157u, concerning credit cards or financial trans-
11 action devices.

12 (xv) A violation of section 159i, concerning racketeering.

13 (xvi) A felony violation of section 174, 175, 176, 180, 181,
14 or 182, concerning embezzlement.

15 (xvii) A felony violation of chapter XXXIII, concerning
16 explosives or bombs.

17 (xviii) A violation of section 213, concerning extortion.

18 (xix) A felony violation of section 218, concerning false
19 pretenses.

20 (xx) A felony violation of chapter XLI, concerning forgery
21 or counterfeiting.

22 (xxi) A violation of section 271, 272, 273, or 274, concern-
23 ing securities fraud.

24 (xxii) A violation of section 301, 302, 303, 304, 305, 305a,
25 or 313, concerning gambling.

26 (xxiii) A violation of section 316 or 317 concerning
27 murder.

1 (xxiv) A violation of section 330, 331, or 332, concerning
2 horse racing.

3 (xxv) A violation of section 349, 349a, or 350, concerning
4 kidnapping.

5 (xxvi) A felony violation of chapter LII, concerning
6 larceny.

7 (xxvii) A violation of section 422, 423, 424, or 425, con-
8 cerning perjury or subornation of perjury.

9 (xxviii) A violation of section 452, 455, 457, 458, or 459,
10 concerning prostitution.

11 (xxix) A violation of section 529, 530, or 531, concerning
12 robbery.

13 (xxx) A felony violation of section 535, 535a, or 536a, con-
14 cerning stolen, embezzled, or converted property.

15 (xxxi) A VIOLATION OF CHAPTER LXXXIII-A, CONCERNING
16 TERRORISM.

17 (xxxii) ~~-(xxxi)-~~ A violation of section 5 of 1984 PA 343,
18 MCL 752.365, concerning obscenity.

19 (xxxiii) ~~-(xxxii)-~~ A conspiracy, attempt, or solicitation to
20 commit an offense listed in subparagraphs (i) to ~~-(xxxi)-~~
21 (xxxii).

22 (h) "Substituted proceeds of a specified criminal offense"
23 means any monetary instrument or other real, personal, or intan-
24 gible property obtained or any gain realized by the sale or
25 exchange of proceeds of a specified criminal offense.

26 Enacting section 1. This amendatory act does not take
27 effect unless Senate Bill No. _____ or House Bill 5495

1 (request no. 05920'01**) of the 91st Legislature is enacted into
2 law.