

Act No. 362
Public Acts of 2010
Approved by the Governor
December 22, 2010
Filed with the Secretary of State
December 22, 2010
EFFECTIVE DATE: April 1, 2011

**STATE OF MICHIGAN
95TH LEGISLATURE
REGULAR SESSION OF 2010**

Introduced by Reps. Barnett, Gonzales, LeBlanc, Spade, Terry Brown, Jackson, Nathan, Neumann, Liss, Robert Jones, Womack, Kennedy, Bauer, Miller, Constan, Hammel, Polidori, Warren, Smith, Durhal, Meadows and Lisa Brown

ENROLLED HOUSE BILL No. 5577

AN ACT to amend 1931 PA 328, entitled “An act to revise, consolidate, codify, and add to the statutes relating to crimes; to define crimes and prescribe the penalties and remedies; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at criminal trials; to provide for liability for damages; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act,” by amending section 159g (MCL 750.159g), as amended by 2010 PA 176.

The People of the State of Michigan enact:

Sec. 159g. As used in this chapter, “*racketeering*” means committing, attempting to commit, conspiring to commit, or aiding or abetting, soliciting, coercing, or intimidating a person to commit an offense for financial gain, involving any of the following:

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

(b) A violation of section 11151(3) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.11151, or section 48(3) of former 1979 PA 64, concerning felonious disposal of hazardous waste.

(c) A felony violation of part 74 of the public health code, 1978 PA 368, MCL 333.7401 to 333.7461, concerning controlled substances.

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

(e) 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, concerning medicaid fraud.

(f) A felony violation of section 18 of the Michigan gaming control and revenue act, 1996 IL 1, MCL 432.218, concerning the business of gaming.

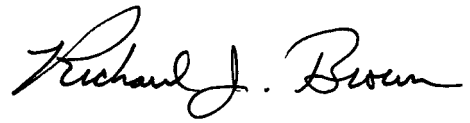
- (g) A violation of section 508 of the uniform securities act (2002), 2008 PA 551, MCL 451.2508, concerning securities fraud.
- (h) A violation of section 5 or 7 of 1978 PA 33, MCL 722.675 and 722.677, concerning the display or dissemination of obscene matter to minors.
- (i) A felony violation of section 72, 73, 74, 75, or 77, concerning arson.
- (j) A violation of section 93, 94, 95, or 96, concerning bank bonds, bills, notes, and property.
- (k) A violation of section 110 or 110a, concerning breaking and entering or home invasion.
- (l) A violation of section 117, 118, 119, 120, 121, or 124, concerning bribery.
- (m) A violation of section 120a, concerning jury tampering.
- (n) A violation of section 145c, concerning child sexually abusive activity or material.
- (o) A violation of section 145d, concerning internet or computer crimes.
- (p) A felony violation of section 157n, 157p, 157q, 157r, 157s, 157t, or 157u, concerning credit cards or financial transaction devices.
- (q) A felony violation of section 174, 175, 176, 180, 181, or 182, concerning embezzlement.
- (r) A felony violation of chapter XXXIII, concerning explosives and bombs.
- (s) A violation of section 213, concerning extortion.
- (t) A felony violation of section 218, concerning false pretenses.
- (u) A felony violation of section 223(2), 224(1)(a), (b), or (c), 224b, 224c, 224e(1), 226, 227, 234a, 234b, or 237a, concerning firearms or dangerous weapons.
- (v) A felony violation of chapter XLI, concerning forgery and counterfeiting.
- (w) A violation of section 271, 272, 273, or 274, concerning securities fraud.
- (x) A violation of section 300a, concerning food stamps or coupons or access devices.
- (y) A violation of section 301, 302, 303, 304, 305, 305a, or 313, concerning gambling.
- (z) A violation of section 316 or 317, concerning murder.
- (aa) A violation of section 330, 331, or 332, concerning horse racing.
- (bb) A violation of section 349, 349a, or 350, concerning kidnapping.
- (cc) A felony violation of chapter LII, concerning larceny.
- (dd) A violation of section 411k, concerning money laundering.
- (ee) A violation of section 422, 423, 424, or 425, concerning perjury or subornation of perjury.
- (ff) A violation of section 452, 455, 457, 458, or 459, concerning prostitution.
- (gg) A violation of chapter LXVIIA, concerning human trafficking.
- (hh) A violation of section 529, 529a, 530, or 531, concerning robbery.
- (ii) A felony violation of section 535 or 535a, concerning stolen, embezzled, or converted property.
- (jj) A violation of chapter LXXXIII-A, concerning terrorism.
- (kk) A violation of section 5 of 1984 PA 343, MCL 752.365, concerning obscenity.
- (ll) A felony violation of the identity theft protection act, 2004 PA 452, MCL 445.61 to 445.77.
- (mm) An offense committed within this state or another state that constitutes racketeering activity as defined in 18 USC 1961(1).
- (nn) An offense committed within this state or another state in violation of a law of the United States that is substantially similar to a violation listed in subdivisions (a) through (mm).
- (oo) An offense committed in another state in violation of a statute of that state that is substantially similar to a violation listed in subdivisions (a) through (mm).
- (pp) A felony violation of section 909(4) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1909, concerning the illegal sale, delivery, or importation of spirits.

Enacting section 1. This amendatory act takes effect April 1, 2011.

Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 95th Legislature are enacted into law:

- (a) House Bill No. 5575.
- (b) House Bill No. 5576.

- (c) House Bill No. 5578.
- (d) House Bill No. 5579.



Clerk of the House of Representatives



Secretary of the Senate

Approved -----

Governor

Compiler's note: The bills referred to in enacting section 2 were enacted into law as follows:

House Bill No. 5575 was filed with the Secretary of State December 22, 2010, and became 2010 PA 360, Eff. Apr. 1, 2011.

House Bill No. 5576 was filed with the Secretary of State December 22, 2010, and became 2010 PA 361, Eff. Apr. 1, 2011.

House Bill No. 5578 was filed with the Secretary of State December 22, 2010, and became 2010 PA 363, Eff. Apr. 1, 2011.

House Bill No. 5579 was filed with the Secretary of State December 22, 2010, and became 2010 PA 364, Eff. Apr. 1, 2011.