

HOUSE BILL No. 5615

June 3, 2014, Introduced by Rep. Kivela and referred to the Committee on Criminal Justice.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 159g (MCL 750.159g), as amended by 2012 PA 351.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

10 (b) A violation of section 11151(3) of the natural resources

1 and environmental protection act, 1994 PA 451, MCL 324.11151, or
2 section 48(3) of former 1979 PA 64, concerning felonious disposal
3 of hazardous waste.

4 (c) A felony violation of part 74 of the public health code,
5 1978 PA 368, MCL 333.7401 to 333.7461, concerning controlled
6 substances.

7 **(D) A FELONY VIOLATION OF SECTION 7340, 7340C, OR 17766C OF**
8 **THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.7340, 333.7340C, AND**
9 **333.17766C, CONCERNING EPHEDRINE OR PSEUDOEPHEDRINE.**

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

12 **(F) ~~(e)~~**A violation of section 4, 5, or 7 of the medicaid
13 false claim act, 1977 PA 72, MCL 400.604, 400.605, and 400.607,
14 concerning medicaid fraud.

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

18 **(H) A FELONY VIOLATION OF SECTION 909(4) OF THE MICHIGAN**
19 **LIQUOR CONTROL CODE OF 1998, 1998 PA 58, MCL 436.1909, CONCERNING**
20 **THE ILLEGAL SALE, DELIVERY, OR IMPORTATION OF SPIRITS.**

21 **(I) ~~(g)~~**A violation of section 508 of the uniform securities
22 act (2002), 2008 PA 551, MCL 451.2508, concerning fraud.

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

26 **(K) ~~(i)~~**A violation of section 49, concerning animal fighting.

27 **(L) ~~(j)~~**A felony violation of section 72, 73, 74, 75, or 77,

1 concerning arson.

2 (M) ~~(k)~~—A violation of section 93, 94, 95, or 96, concerning
3 bank bonds, bills, notes, and property.

4 (N) ~~(l)~~—A violation of section 110 or 110a, concerning breaking
5 and entering or home invasion.

6 (O) ~~(m)~~—A violation of section 117, 118, 119, 120, 121, or
7 124, concerning bribery.

8 (P) ~~(n)~~—A violation of section 120a, concerning jury
9 tampering.

10 (Q) ~~(o)~~—A violation of section 145c, concerning child sexually
11 abusive activity or material.

12 (R) ~~(p)~~—A violation of section 145d, concerning internet or
13 computer crimes.

14 (S) ~~(q)~~—A felony violation of section 157n, 157p, 157q, 157r,
15 157s, 157t, or 157u, concerning credit cards or financial
16 transaction devices.

17 (T) ~~(r)~~—A felony violation of section 174, 175, 176, 180, 181,
18 or 182, concerning embezzlement.

19 (U) ~~(s)~~—A felony violation of chapter XXXIII, concerning
20 explosives and bombs.

21 (V) ~~(t)~~—A violation of section 213, concerning extortion.

22 (W) ~~(u)~~—A felony violation of section 218, concerning false
23 pretenses.

24 (X) ~~(v)~~—A felony violation of section 223(2), 224(1)(a), (b),
25 or (c), 224b, 224c, 224e(1), 226, 227, 234a, 234b, or 237a,
26 concerning firearms or dangerous weapons.

27 (Y) ~~(w)~~—A felony violation of chapter XLI, concerning forgery

1 and counterfeiting.

2 (Z) ~~(x)~~—A violation of section 271, 272, 273, or 274,
3 concerning securities fraud.

4 (AA) ~~(y)~~—A violation of section 300a, concerning food stamps
5 or coupons or access devices.

6 (BB) ~~(z)~~—A violation of section 301, 302, 303, 304, 305, 305a,
7 or 313, concerning gambling.

8 (CC) ~~(aa)~~—A violation of section 316 or 317, concerning
9 murder.

10 (DD) ~~(bb)~~—A violation of section 330, 331, or 332, concerning
11 horse racing.

12 (EE) ~~(ee)~~—A violation of section 349, 349a, or 350, concerning
13 kidnapping.

14 (FF) ~~(dd)~~—A felony violation of chapter LII, concerning
15 larceny.

16 (GG) ~~(ee)~~—A violation of section 411k, concerning money
17 laundering.

18 (HH) ~~(ff)~~—A violation of section 422, 423, 424, or 425,
19 concerning perjury or subornation of perjury.

20 (II) ~~(gg)~~—A violation of section 452, 455, 457, 458, or 459,
21 concerning prostitution.

22 (JJ) ~~(hh)~~—A violation of chapter LXVIIA, concerning human
23 trafficking.

24 (KK) ~~(ii)~~—A violation of section 529, 529a, 530, or 531,
25 concerning robbery.

26 (II) ~~(jj)~~—A felony violation of section 535 or 535a, concerning
27 stolen, embezzled, or converted property.

1 **(MM)** ~~(kk)~~ A violation of chapter LXXXIII-A, concerning
2 terrorism.

3 **(NN)** ~~(ll)~~ A violation of section 5 of 1984 PA 343, MCL 752.365,
4 concerning obscenity.

5 **(OO)** ~~(mm)~~ A felony violation of the identity theft protection
6 act, 2004 PA 452, MCL 445.61 to 445.77.

7 **(PP)** ~~(nn)~~ An offense committed within this state or another
8 state that constitutes racketeering activity as defined in 18 USC
9 1961(1).

10 **(QQ)** ~~(oo)~~ An offense committed within this state or another
11 state in violation of a law of the United States that is
12 substantially similar to a violation listed in subdivisions (a)
13 through ~~(nn)~~ **(PP)**.

14 **(RR)** ~~(pp)~~ An offense committed in another state in violation
15 of a statute of that state that is substantially similar to a
16 violation listed in subdivisions (a) through ~~(nn)~~ **(PP)**.

17 ~~—— (qq) A felony violation of section 909(4) of the Michigan~~
18 ~~liquor control code of 1998, 1998 PA 58, MCL 436.1909, concerning~~
19 ~~the illegal sale, delivery, or importation of spirits.~~

20 Enacting section 1. This amendatory act takes effect January
21 1, 2015.

22 Enacting section 2. This amendatory act does not take effect
23 unless all of the following bills of the 97th Legislature are
24 enacted into law:

25 (a) House Bill No. 5089.

26 (b) House Bill No. 5363.