



HOUSE BILL No. 5381

February 16, 2000, Introduced by Reps. Allen, Tabor, Mead and Pumford and referred to the Committee on Conservation and Outdoor Recreation.

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
547.

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 part 111 of the natural resources and
5 environmental protection act, 1994 PA 451, MCL 324.11101 to
6 324.11152.

7 (ii) A violation of part 121 of the natural resources and
8 environmental protection act, 1994 PA 451, MCL 324.12101 to
9 324.12117.

1 (*iii*) A VIOLATION OF PART 169 OF THE NATURAL RESOURCES AND
 2 ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.16901 TO
 3 324.16910.

4 (*iv*) ~~(*iii*)~~ A violation of section 4, 5, or 7 of the medi-
 5 caid false claim act, 1977 PA 72, MCL 400.604, 400.605, and
 6 400.607.

7 (*v*) ~~(*iv*)~~ A violation of section 2 or 3 of the Michigan
 8 antitrust reform act, 1984 PA 274, MCL 445.772 and 445.773.

9 (*vi*) ~~(*v*)~~ A violation described in section 409 of the uni-
 10 form securities act, 1964 PA 265, MCL 451.809.

11 (*vii*) ~~(*vi*)~~ A violation of section 5 or 7 of 1978 PA 33,
 12 MCL 722.675 and 722.677.

13 (*viii*) ~~(*vii*)~~ A violation of section 49, 75, 94, 95, 96,
 14 100, 104, 105, 106, 110, 112, 117, 118, 119, 120, 121, 124, 145c,
 15 157q, 157r, 174, 175, 176, 180, 181, 182, 213, 214, 218, 219a,
 16 224, 248, 249, 250, 251, 252, 253, 254, 255, 263, 264, 271, 272,
 17 273, 274, 300, 356, 357, 357a, 359, 360, 529, 530, 531, 535,
 18 540c, or 540g of the Michigan penal code, 1931 PA 328, MCL
 19 750.49, 750.75, 750.94, 750.95, 750.96, 750.100, 750.104,
 20 750.105, 750.106, 750.110, 750.112, 750.117, 750.118, 750.119,
 21 750.120, 750.121, 750.124, 750.145c, 750.157q, 750.157r, 750.174,
 22 750.175, 750.176, 750.180, 750.181, 750.182, 750.213, 750.214,
 23 750.218, 750.219a, 750.224, 750.248, 750.249, 750.250, 750.251,
 24 750.252, 750.253, 750.254, 750.255, 750.263, 750.264, 750.271,
 25 750.272, 750.273, 750.274, 750.300, 750.356, 750.357, 750.357a,
 26 750.359, 750.360, 750.529, 750.530, 750.531, 750.535, 750.540c,
 27 and 750.540g.

1 (ix) ~~(viii)~~ A violation described in section 7 of 1979 PA
2 53, MCL 752.797.

3 (x) ~~(ix)~~ Conspiracy to commit an offense listed in sub-
4 paragraphs (i) to ~~(viii)~~ (ix).

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

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

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

14 (e) "Security interest" means any interest in real or per-
15 sonal property that secures payment or performance of an
16 obligation.

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

20 Enacting section 1. This amendatory act does not take
21 effect unless Senate Bill No. _____ or House Bill No. 5380
22 (request no. 02792'99) of the 90th Legislature is enacted into
23 law.