

SENATE BILL No. 1236

May 2, 2000, Introduced by Senator DE BEAUSSAERT and referred to the Committee on Judiciary.

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 section 4, 5, or 7 of the medicaid
2 false claim act, 1977 PA 72, MCL 400.604, 400.605, and 400.607.
- 3 (iv) A violation of section 2 or 3 of the Michigan antitrust
4 reform act, 1984 PA 274, MCL 445.772 and 445.773.
- 5 (v) A violation described in section 409 of the uniform
6 securities act, 1964 PA 265, MCL 451.809.
- 7 (vi) A violation of section 5 or 7 of 1978 PA 33, MCL
8 722.675 and 722.677.
- 9 (vii) A violation of section 49, 75, 94, 95, 96, 100, 104,
10 105, 106, 110, 112, 117, 118, 119, 120, 121, 124, 136C, 145c,
11 157q, 157r, 174, 175, 176, 180, 181, 182, 213, 214, 218, 219a,
12 224, 248, 249, 250, 251, 252, 253, 254, 255, 263, 264, 271, 272,
13 273, 274, 300, 356, 357, 357a, 359, 360, 529, 530, 531, 535,
14 540c, or 540g of the Michigan penal code, 1931 PA 328, MCL
15 750.49, 750.75, 750.94, 750.95, 750.96, 750.100, 750.104,
16 750.105, 750.106, 750.110, 750.112, 750.117, 750.118, 750.119,
17 750.120, 750.121, 750.124, 750.136C, 750.145c, 750.157q,
18 750.157r, 750.174, 750.175, 750.176, 750.180, 750.181, 750.182,
19 750.213, 750.214, 750.218, 750.219a, 750.224, 750.248, 750.249,
20 750.250, 750.251, 750.252, 750.253, 750.254, 750.255, 750.263,
21 750.264, 750.271, 750.272, 750.273, 750.274, 750.300, 750.356,
22 750.357, 750.357a, 750.359, 750.360, 750.529, 750.530, 750.531,
23 750.535, 750.540c, and 750.540g.
- 24 (viii) A violation described in section 7 of 1979 PA 53, MCL
25 752.797.
- 26 (ix) Conspiracy to commit an offense listed in subparagraphs
27 (i) to (viii).

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

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

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

10 (e) "Security interest" means any interest in real or per-
11 sonal property that secures payment or performance of an
12 obligation.

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

16 Enacting section 1. This amendatory act does not take
17 effect unless Senate Bill No. 1198 of the 90th Legislature is
18 enacted into law.