

HOUSE BILL No. 5749

April 1, 2004, Introduced by Rep. Koetje and referred to the Committee on Commerce.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 4701 (MCL 600.4701), as amended by 2002 PA
142.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4701. As used in this chapter:

2 (a) "Crime" means committing, attempting to commit,
3 conspiring to commit, or soliciting another person to commit any
4 of the following offenses in connection with which the forfeiture
5 of property is sought:

6 (i) A violation of part 111 of the natural resources and
7 environmental protection act, 1994 PA 451, MCL 324.11101 to
8 324.11153.

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

1 324.12117.

2 (iii) A violation of section 4, 5, or 7 of the medicaid false
3 claim act, 1977 PA 72, MCL 400.604, 400.605, and 400.607.

4 (iv) A violation of section 2 or 3 of the Michigan antitrust
5 reform act, 1984 PA 274, MCL 445.772 and 445.773.

6 (v) A violation described in section 409 of the uniform
7 securities act, 1964 PA 265, MCL 451.809, **or section 508 of the**
8 **uniform securities act (2002), MCL 451.2508.**

9 (vi) A violation of section 5 or 7 of 1978 PA 33, MCL 722.675
10 and 722.677.

11 (vii) A violation of section 49, 75, 94, 95, 96, 100, 104,
12 105, 106, 110, 112, 117, 118, 119, 120, 121, 124, 145c, 145d,
13 157q, 157r, 174, 175, 176, 180, 181, 182, 213, 214, 218, 219a,
14 224, 248, 249, 250, 251, 252, 253, 254, 255, 263, 264, 271, 272,
15 273, 274, 300, 356, 357, 357a, 359, 360, 529, 530, 531, 535,
16 540c, or 540g or chapter LXXXIII-A of the Michigan penal code,
17 1931 PA 328, MCL 750.49, 750.75, 750.94, 750.95, 750.96, 750.100,
18 750.104, 750.105, 750.106, 750.110, 750.112, 750.117, 750.118,
19 750.119, 750.120, 750.121, 750.124, 750.145c, 750.145d, 750.157q,
20 750.157r, 750.174, 750.175, 750.176, 750.180, 750.181, 750.182,
21 750.213, 750.214, 750.218, 750.219a, 750.224, 750.248, 750.249,
22 750.250, 750.251, 750.252, 750.253, 750.254, 750.255, 750.263,
23 750.264, 750.271, 750.272, 750.273, 750.274, 750.300, 750.356,
24 750.357, 750.357a, 750.359, 750.360, 750.529, 750.530, 750.531,
25 750.535, 750.540c, 750.540g, and 750.543a to 750.543z.

26 (viii) A violation of 1979 PA 53, MCL 752.791 to 752.797.

27 (b) "Instrumentality of a crime" means any property, other

1 than real property, the use of which contributes directly and
2 materially to the commission of a crime.

3 (c) "Person" means an individual, corporation, **limited**
4 **liability company**, partnership, or other business entity, or an
5 unincorporated or voluntary association.

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

9 (e) "Security interest" means any interest in real or
10 personal property that secures payment or performance of an
11 obligation.

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

15 Enacting section 1. This amendatory act does not take
16 effect unless Senate Bill No. ____ or House Bill No. 5746
17 (request no. 06004'03) of the 92nd Legislature is enacted into
18 law.