SENATE BILL No. 827

October 19, 2005, Introduced by Senators LELAND, BASHAM, CLARKE, JACOBS, SCOTT, OLSHOVE, CLARK-COLEMAN, CHERRY, EMERSON and BRATER and referred to the Committee on Economic Development, Small Business and Regulatory Reform.

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, and by adding section 2975.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1   SEC. 2975. UPON ENTRY OF A JUDGMENT FOR DAMAGES AGAINST A

2 LICENSEE UNDER ARTICLE 24 OF THE OCCUPATIONAL CODE, 1980 PA 299,

3 MCL 339.2401 TO 339.2412, ON THE BASIS OF A VIOLATION OF SECTION

4 2411(2) OF THE OCCUPATIONAL CODE, 1980 PA 299, MCL 339.2411, THE

5 COURT SHALL NOTIFY THE BUREAU OF COMMERCIAL SERVICES OF THE

6 DEPARTMENT OF LABOR AND ECONOMIC GROWTH OF THE ENTRY OF THAT

7 JUDGMENT AND SHALL CONVEY A COPY OF THAT JUDGMENT.

8   Sec. 4701. As used in this chapter:

1   (a) "Crime" means committing, attempting to commit, conspiring

2 to commit, or soliciting another person to commit any of the

3 following offenses in connection with which the forfeiture of

4 property is sought:

5   (*i*) A violation of part 111 of the natural resources and

6 environmental protection act, 1994 PA 451, MCL 324.11101 to

7 324.11153.

8   (*ii*) A violation of part 121 of the natural resources and

9 environmental protection act, 1994 PA 451, MCL 324.12101 to

10 324.12117.

11   (*iii*) A violation of section 4, 5, or 7 of the medicaid false

12 claim act, 1977 PA 72, MCL 400.604, 400.605, and 400.607.

13   (*iv*) A violation of section 2 or 3 of the Michigan antitrust

14 reform act, 1984 PA 274, MCL 445.772 and 445.773.

15   (*v*) A violation described in section 409 of the uniform

16 securities act, 1964 PA 265, MCL 451.809.

17   (*vi*) A violation of section 5 or 7 of 1978 PA 33, MCL 722.675

18 and 722.677.

19   (*vii*) A violation of section 49, 75, 94, 95, 96, 100, 104, 105,

20 106, 110, 112, 117, 118, 119, 120, 121, 124, 145c, 145d, 157q,

21 157r, 174, 175, 176, 180, 181, 182, 213, 214, 218, 219a, 224, 248,

22 249, 250, 251, 252, 253, 254, 255, 263, 264, 271, 272, 273, 274,

23 300, 356, 357, 357a, 359, 360, 529, 530, 531, 535, 540c, or 540g or

24 chapter LXXXIII-A of the Michigan penal code, 1931 PA 328, MCL

25 750.49, 750.75, 750.94, 750.95, 750.96, 750.100, 750.104, 750.105,

26 750.106, 750.110, 750.112, 750.117, 750.118, 750.119, 750.120,

27 750.121, 750.124, 750.145c, 750.145d, 750.157q, 750.157r, 750.174,

1 750.175, 750.176, 750.180, 750.181, 750.182, 750.213, 750.214,

2 750.218, 750.219a, 750.224, 750.248, 750.249, 750.250, 750.251,

3 750.252, 750.253, 750.254, 750.255, 750.263, 750.264, 750.271,

4 750.272, 750.273, 750.274, 750.300, 750.356, 750.357, 750.357a,

5 750.359, 750.360, 750.529, 750.530, 750.531, 750.535, 750.540c,

6 750.540g, and 750.543a to 750.543z.

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

8 (*ix*) **A VIOLATION OF SECTION 601 OF THE OCCUPATIONAL CODE, 1980**

9 **PA 299, MCL 339.601.**

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

11 than real property, the use of which contributes directly and

12 materially to the commission of a crime.

13 (c) "Person" means an individual, corporation, partnership, or

14 other business entity, or an unincorporated or voluntary

15 association.

16 (d) "Proceeds of a crime" means any property obtained through

17 the commission of a crime, including any appreciation in the value

18 of the property.

19 (e) "Security interest" means any interest in real or personal

20 property that secures payment or performance of an obligation.

21 (f) "Substituted proceeds of a crime" means any property

22 obtained or any gain realized by the sale or exchange of proceeds

23 of a crime.

24 Enacting section 1. This amendatory act does not take effect

25 unless Senate Bill No. 826

26 of the 93rd Legislature is enacted into law.