



HOUSE BILL No. 5391

March 3 1994 Introduced by Reps Profit Freeman Byrum London DeMars
Hammerstrom Yokich Palamara and Ciaramitaro and referred to the Committee on Judiciary

A bill to amend section 4701 of Act No 236 of the Public
Acts of 1961 entitled as amended

Revised judicature act of 1961 '
as added by Act No 104 of the Public Acts of 1988 being section
600 4701 of the Michigan Compiled Laws

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Section 4701 of Act No 236 of the Public Acts
2 of 1961 as added by Act No 104 of the Public Acts of 1988,
3 being section 600 4701 of the Michigan Compiled Laws, is amended
4 to read as follows

5 Sec 4701 , As used in this chapter

6 (a) Crime means 1 of the following offenses in connection
7 with which the forfeiture of property is sought

1 (i) A violation of section 4 5 or 7 of the medicaid false
 2 claim act Act No 72 of the Public Acts of 1977 being sections
 3 400 604 400 605 and 400 607 of the Michigan Compiled Laws

4 (ii) A violation of section 2 or 3 of the Michigan antitrust
 5 reform act Act No 274 of the Public Acts of 1984 being sec-
 6 tions 445 772 and 445 773 of the Michigan Compiled Laws

7 (iii) A violation of section 409 of the uniform securities
 8 act Act No 265 of the Public Acts of 1964, being section
 9 451 809 of the Michigan Compiled Laws

10 (iv) A violation of section 5 or 7 of Act No 33 of the
 11 Public Acts of 1978 being sections 722 675 and 722 677 of the
 12 Michigan Compiled Laws

13 (v) A violation of section 75 94 95 96 100 104 105
 14 106 110 112 117 118 119 120 121 124 145c, 157q 157r
 15 174 175 176 180, 181 182 213 214 218 224 248 249 250
 16 251 252 253 254 255 271 272 273 274 300 356 357 357a
 17 359 360 529 530 531 or 535 of the Michigan penal code Act
 18 No 328 of the Public Acts of 1931 being sections 750 75
 19 750 94 750 95 750 96 750 100 750 104 750 105 750 106
 20 750 110 750 112 750 117 750 118 750 119 750 120 750 121
 21 750 124 750 145c 750 157q 750 157r 750 174 750 175 750 176
 22 750 180 750 181 750 182 750 213 750 214 750 218 750 224,
 23 750 248 750 249 750 250 750 251 750 252 750 253 750 254
 24 750 255 750 271 750 272 750 273 750 274 750 300 750 356,
 25 750 357 750 357a 750 359 750 360 750 529 750 530 750 531
 26 and 750 535 of the Michigan Compiled Laws

1 (vi) A violation of section 219a of Act No 328 of the
2 Public Acts of 1931 being section 750 219a of the Michigan
3 Compiled Laws if the total value of the telephone service
4 obtained is over \$100 00

5 (vii) A VIOLATION OF SECTION 479A(3) (4) OR (5) OF ACT
6 NO 328 OF THE PUBLIC ACTS OF 1931 BEING SECTION 750 479A OF THE
7 MICHIGAN COMPILED LAWS, OR SECTION 602A(3) (4) OR (5) OF THE
8 MICHIGAN VEHICLE CODE ACT NO 300 OF THE PUBLIC ACTS OF 1949
9 BEING SECTION 257 602A OF THE MICHIGAN COMPILED LAWS

10 (viii) ~~(vii)~~ Conspiracy to commit an offense listed in
11 subparagraphs (i) to ~~(vi)~~ (vii)

12 (b) Instrumentality of a crime means any property other
13 than real property the use of which contributes directly and
14 materially to the commission of a crime

15 (c) Person means an individual corporation partnership
16 or other business entity or an unincorporated or voluntary
17 association

18 (d) Proceeds of a crime means any property obtained
19 through the commission of a crime including any appreciation in
20 the value of the property

21 (e) Security interest means any interest in real or per-
22 sonal property that secures payment or performance of an
23 obligation

24 (f) Substituted proceeds of a crime means any property
25 obtained or any gain realized by the sale or exchange of proceeds
26 of a crime

1 Section 2 This amendatory act shall not take effect unless
2 all of the following bills of the 87th Legislature are enacted
3 into law

4 (a) Senate Bill No 1040 or House Bill No _____ (request
5 no 00187 93 *)

6 (b) Senate Bill No _____ or House Bill No 5390 (request
7 no 00187 93 a **)