



HOUSE BILL No. 4986

October 12, 1999, Introduced by Reps. Spade, Woodward, Bogardus, Dennis, Clark, Schauer, Jacobs and Neumann and referred to the Committee on Criminal Law and Corrections.

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, 145c, 157q,
11 157r, 174, 175, 176, 180, 181, 182, 213, 214, 218, 219a, 224,
12 248, 249, 250, 251, 252, 253, 254, 255, 263, 264, 271, 272, 273,
13 274, 300, 356, 357, 357a, 359, 360, 529, 530, 531, 535, 540c, or
14 540g of the Michigan penal code, 1931 PA 328, MCL 750.49, 750.75,
15 750.94, 750.95, 750.96, 750.100, 750.104, 750.105, 750.106,
16 750.110, 750.112, 750.117, 750.118, 750.119, 750.120, 750.121,
17 750.124, 750.145c, 750.157q, 750.157r, 750.174, 750.175, 750.176,
18 750.180, 750.181, 750.182, 750.213, 750.214, 750.218, 750.219a,
19 750.224, 750.248, 750.249, 750.250, 750.251, 750.252, 750.253,
20 750.254, 750.255, 750.263, 750.264, 750.271, 750.272, 750.273,
21 750.274, 750.300, 750.356, 750.357, 750.357a, 750.359, 750.360,
22 750.529, 750.530, 750.531, 750.535, 750.540c, and 750.540g.

23 (viii) A VIOLATION OF A LOCAL ORDINANCE SUBSTANTIALLY CORRE-
24 SPONDING TO SECTION 465(1), (2), (3), (4), OR (5) OF THE MICHIGAN
25 PENAL CODE, 1931 PA 328, MCL 750.465.

26 (ix) ~~(viii)~~ A violation described in section 7 of 1979 PA
27 53, MCL 752.797.

1 (x) ~~(ix)~~ Conspiracy to commit an offense listed in
2 subparagraphs (i) to ~~(viii)~~ (ix).

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

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

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

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

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