

# HOUSE BILL No. 5745

April 21, 1998, Introduced by Reps. Walberg, Schermesser, Galloway, Law, Voorhees, LeTarte, Cropsey and Goschka 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 1997 PA  
156.

## 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 section 4, 5, or 7 of the medicaid false  
5 claim act, 1977 PA 72, MCL 400.604, 400.605, and 400.607.

6       (ii) A violation of section 2 or 3 of the Michigan antitrust  
7 reform act, 1984 PA 274, MCL 445.772 and 445.773.

8       (iii) A violation of section 409 of the uniform securities  
9 act, 1964 PA 265, MCL 451.809.

1 (iv) A violation of section 5 or 7 of 1978 PA 33, MCL  
2 722.675 and 722.677.

3 (v) A violation of section 49, 75, 94, 95, 96, 100, 104,  
4 105, 106, 110, 112, 117, 118, 119, 120, 121, 124, 145c, 157q,  
5 157r, 174, 175, 176, 180, 181, 182, 213, 214, 218, 219a, 224,  
6 248, 249, 250, 251, 252, 253, 254, 255, 263, 264, 271, 272, 273,  
7 274, 300, 356, 357, 357a, 359, 360, 465, 529, 530, 531, 535,  
8 540c, or 540g of the Michigan penal code, 1931 PA 328, MCL  
9 750.49, 750.75, 750.94, 750.95, 750.96, 750.100, 750.104,  
10 750.105, 750.106, 750.110, 750.112, 750.117, 750.118, 750.119,  
11 750.120, 750.121, 750.124, 750.145c, 750.157q, 750.157r, 750.174,  
12 750.175, 750.176, 750.180, 750.181, 750.182, 750.213, 750.214,  
13 750.218, 750.219a, 750.224, 750.248, 750.249, 750.250, 750.251,  
14 750.252, 750.253, 750.254, 750.255, 750.263, 750.264, 750.271,  
15 750.272, 750.273, 750.274, 750.300, 750.356, 750.357, 750.357a,  
16 750.359, 750.360, 750.465, 750.529, 750.530, 750.531, 750.535,  
17 750.540c, and 750.540g.

18 (vi) A VIOLATION OF A LOCAL ORDINANCE SUBSTANTIALLY CORRE-  
19 SPONDING TO SECTION 465(1), (2), (3), (4), OR (5) OF THE MICHIGAN  
20 PENAL CODE, 1931 PA 328, MCL 750.465.

21 (vii) ~~(vi)~~ A violation of part 731 ~~(recreational~~  
22 ~~trespass)~~ of the natural resources and environmental protection  
23 act, 1994 PA 451, MCL 324.73101 to 324.73111, that is punishable  
24 under section 73110(2) of that act, MCL 324.73110.

25 (viii) ~~(vii)~~ A violation of section 7 of 1979 PA 53, MCL  
26 752.797.

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

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.