

HB 5134, As Passed Senate, November 29, 2000

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5134**

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending sections 3805 and 4701 (MCL 600.3805 and 600.4701),
section 4701 as amended by 2000 PA 184.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3805. (1) The attorney general of the state of
2 Michigan ~~,~~ OR the prosecuting attorney or any citizen of the
3 county ~~,~~ may maintain an action for equitable relief in the
4 name of the state of Michigan, upon the relation of ~~such~~ THE
5 attorney general, prosecuting attorney, or citizen to abate
6 ~~said~~ THE nuisance and to perpetually enjoin ~~any person, his~~ A
7 PERSON OR HIS OR HER servant, agent, or employee, who ~~shall own,~~
8 ~~lease, conduct or maintain such~~ OWNS, LEASES, CONDUCTS, OR
9 MAINTAINS A building, vehicle, boat, aircraft, or place ~~,~~
10 DESCRIBED IN SECTION 3801 from permitting or suffering ~~such~~

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1 THAT building, vehicle, boat, or aircraft or place owned, leased,
2 conducted, or maintained by him OR HER, or any other building,
3 vehicle, boat, aircraft or place conducted or maintained by him
4 OR HER, to be used for any of the purposes PROSCRIBED, or by any
5 of the persons ~~set forth~~ DESCRIBED, in section 3801 ~~,~~ or for
6 any of the acts enumerated in ~~said~~ section 3801. When the
7 injunction has been granted, it shall be binding on the defendant
8 throughout the judicial circuit in which it was issued.

9 (2) A PRIVATE CITIZEN OF THE COUNTY WHO BRINGS AN ACTION TO
10 ABATE A PUBLIC NUISANCE THAT IS A VIOLATION OF 1 OR MORE OF THE
11 FOLLOWING, AND IN WHOSE FAVOR THE COURT RENDERS AN ORDER OR JUDG-
12 MENT, MAY BE AWARDED A REASONABLE ATTORNEY FEE AS PART OF THE
13 COSTS OF MAINTAINING THE ACTION:

14 (A) SECTION 5208 OF THE PUBLIC HEALTH CODE, 1978 PA 368,
15 MCL 333.5208.

16 (B) SECTION 7 OF 1978 PA 33, MCL 722.677.

17 (C) SECTION 465A OF THE MICHIGAN PENAL CODE, 1931 PA 328,
18 MCL 750.465A.

19 (D) A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO THE
20 PROVISIONS OF LAW LISTED IN SUBDIVISION (A), (B), OR (C).

21 (E) A LOCAL ORDINANCE REGULATING OR PROHIBITING PUBLIC
22 NUDITY ENACTED PURSUANT TO ANY OF THE FOLLOWING:

23 (i) THE GENERAL LAW VILLAGE ACT, 1895 PA 3, MCL 61.1 TO
24 74.25.

25 (ii) THE HOME RULE VILLAGE ACT, 1909 PA 278, MCL 78.1 TO
26 78.28.

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1 (iii) THE HOME RULE CITY ACT, 1909 PA 279, MCL 117.1 TO
2 117.38.

3 (iv) 1945 PA 246, MCL 41.181 TO 41.187.
4 Sec. 4701. As used in this chapter:

5 (a) "Crime" means committing, attempting to commit, conspir-
6 ing to commit, or soliciting another person to commit any of the
7 following offenses in connection with which the forfeiture of
8 property is sought:

9 (i) A violation of part 111 of the natural resources and
10 environmental protection act, 1994 PA 451, MCL 324.11101 to
11 324.11152.

12 (ii) A violation of part 121 of the natural resources and
13 environmental protection act, 1994 PA 451, MCL 324.12101 to
14 324.12117.

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

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

19 (v) A violation described in section 409 of the uniform
20 securities act, 1964 PA 265, MCL 451.809.

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

23 (vii) A violation of section 49, 75, 94, 95, 96, 100, 104,
24 105, 106, 110, 112, 117, 118, 119, 120, 121, 124, 145c, 145d,
25 157q, 157r, 174, 175, 176, 180, 181, 182, 213, 214, 218, 219a,
26 224, 248, 249, 250, 251, 252, 253, 254, 255, 263, 264, 271, 272,
27 273, 274, 300, 356, 357, 357a, 359, 360, 465A, 529, 530, 531,

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1 535, 540c, or 540g of the Michigan penal code, 1931 PA 328,
2 MCL 750.49, 750.75, 750.94, 750.95, 750.96, 750.100, 750.104,
3 750.105, 750.106, 750.110, 750.112, 750.117, 750.118, 750.119,
4 750.120, 750.121, 750.124, 750.145c, 750.145d, 750.157g,
5 750.157r, 750.174, 750.175, 750.176, 750.180, 750.181, 750.182,
6 750.213, 750.214, 750.218, 750.219a, 750.224, 750.248, 750.249,
7 750.250, 750.251, 750.252, 750.253, 750.254, 750.255, 750.263,
8 750.264, 750.271, 750.272, 750.273, 750.274, 750.300, 750.356,
9 750.357, 750.357a, 750.359, 750.360, 750.465A, 750.529, 750.530,
10 750.531, 750.535, 750.540c, and 750.540g.

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

12 (ix) A VIOLATION OF A LOCAL ORDINANCE REGULATING OR PROHIB-
13 ITING PUBLIC NUDITY ENACTED PURSUANT TO ANY OF THE FOLLOWING:

14 (A) THE GENERAL LAW VILLAGE ACT, 1895 PA 3, MCL 61.1 TO
15 74.25.

16 (B) THE HOME RULE VILLAGE ACT, 1909 PA 278, MCL 78.1 TO
17 78.28.

18 (C) THE HOME RULE CITY ACT, 1909 PA 279, MCL 117.1 TO
19 117.38.

20 (D) 1945 PA 246, MCL 41.181 TO 41.187.

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

24 (c) "Person" means an individual, corporation, partnership,
25 or other business entity, or an unincorporated or voluntary
26 association.

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1 (d) "Proceeds of a crime" means any property obtained
2 through the commission of a crime, including any appreciation in
3 the value of the property.

4 (e) "Security interest" means any interest in real or per-
5 sonal property that secures payment or performance of an
6 obligation.

7 (f) "Substituted proceeds of a crime" means any property
8 obtained or any gain realized by the sale or exchange of proceeds
9 of a crime.

10 Enacting section 1. This amendatory act takes effect
11 June 1, 2001.

12 Enacting section 2. This amendatory act does not take
13 effect unless all of the following bills of the 90th Legislature
14 are enacted into law:

15 (a) Senate Bill No. 1116.

16 (b) Senate Bill No. 1293.

17 (c) Senate Bill No. 1295.

18 (d) Senate Bill No. 1296.

19 (e) Senate Bill No. 1297.

20 (f) House Bill No. 4327.

21 (g) House Bill No. 5133.