

SUBSTITUTE FOR
HOUSE BILL NO. 5236

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 4701 (MCL 600.4701), as amended by 2010 PA 363.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4701. As used in this chapter:

2 (a) "Crime" means committing, attempting to commit, conspiring
3 to commit, or soliciting another person to commit any of the
4 following offenses in connection with which the forfeiture of
5 property is sought:

6 (i) A violation of part 111 of the natural resources and
7 environmental protection act, 1994 PA 451, MCL 324.11101 to
8 324.11153.

9 (ii) A violation of part 121 of the natural resources and
10 environmental protection act, 1994 PA 451, MCL 324.12101 to

1 324.12117.

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

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

6 (v) A violation described in ~~section 409 of the uniform~~
7 ~~securities act, 1964 PA 265, MCL 451.809, or section 508 of the~~
8 uniform securities act (2002), 2008 PA 551, MCL 451.2508.

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

11 (vii) A violation of any of the following:

12 (A) Section 49, 75, 94, 95, 96, 100, 104, 105, 106, 110, 112,
13 117, 118, 119, 120, 121, 124, 145c, 145d, 157q, 157r, 174, 175,
14 176, 180, 181, 182, 213, 214, 218, 219a, 224, 248, 249, 250, 251,
15 252, 253, 254, 255, 263, 264, 271, 272, 273, 274, 300, 356, 357,
16 357a, 359, 360, 529, 530, 531, 535, 540c, or 540g of the Michigan
17 penal code, 1931 PA 328, MCL 750.49, 750.75, 750.94, 750.95,
18 750.96, 750.100, 750.104, 750.105, 750.106, 750.110, 750.112,
19 750.117, 750.118, 750.119, 750.120, 750.121, 750.124, 750.145c,
20 750.145d, 750.157q, 750.157r, 750.174, 750.175, 750.176, 750.180,
21 750.181, 750.182, 750.213, 750.214, 750.218, 750.219a, 750.224,
22 750.248, 750.249, 750.250, 750.251, 750.252, 750.253, 750.254,
23 750.255, 750.263, 750.264, 750.271, 750.272, 750.273, 750.274,
24 750.300, 750.356, 750.357, 750.357a, 750.359, 750.360, 750.529,
25 750.530, 750.531, 750.535, 750.540c, and 750.540g.

26 (B) Chapter LXVIIA of the Michigan penal code, 1931 PA 328,
27 MCL 750.462a to ~~750.462j~~. **750.462H.**

1 (C) Chapter LXXXIII-A of the Michigan penal code, 1931 PA 328,
2 MCL 750.543a to 750.543z.

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

4 (ix) A violation of section 601 of the occupational code, 1980
5 PA 299, MCL 339.601.

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

9 (c) "Person" means an individual, corporation, limited
10 liability company, partnership, or other business entity, or an
11 unincorporated or voluntary association.

12 (d) "Proceeds of a crime" means any property obtained through
13 the commission of a crime, including any appreciation in the value
14 of the property.

15 (e) "Security interest" means any interest in real or personal
16 property that secures payment or performance of an obligation.

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

20 Enacting section 1. This amendatory act takes effect 90 days
21 after the date it is enacted into law.

22 Enacting section 2. This amendatory act does not take effect
23 unless House Bill No. 5234 of the 97th Legislature is enacted into
24 law.