

# HOUSE BILL No. 5953

April 8, 2008, Introduced by Reps. Gonzales, Spade, Stahl, Wojno, Polidori, Byrnes, Simpson, Brown, Espinoza, Corriveau, Griffin, Rocca, Proos and Clemente and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 159g (MCL 750.159g), as amended by 2002 PA 124.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 159g. As used in this chapter, "racketeering" means  
2 committing, attempting to commit, conspiring to commit, or aiding  
3 or abetting, soliciting, coercing, or intimidating a person to  
4 commit an offense for financial gain, involving any of the  
5 following:

6           (a) A felony violation of section 8 of the tobacco products  
7 tax act, 1993 PA 327, MCL 205.428, concerning tobacco product  
8 taxes, or section 9 of former 1947 PA 265, concerning cigarette  
9 taxes.

1 (b) A violation of section 11151(3) of the natural resources  
2 and environmental protection act, 1994 PA 451, MCL 324.11151, or  
3 section 48(3) of former 1979 PA 64, concerning felonious disposal  
4 of hazardous waste.

5 (c) A felony violation of part 74 or section 17766a of the  
6 public health code, 1978 PA 368, MCL 333.7401 to 333.7461 and  
7 333.17766a, concerning controlled substances or androgenic anabolic  
8 steroids.

9 (d) A felony violation of section 60 of the social welfare  
10 act, 1939 PA 280, MCL 400.60, concerning welfare fraud.

11 (e) A violation of section 4, 5, or 7 of the medicaid false  
12 claim act, 1977 PA 72, MCL 400.604, 400.605, and 400.607,  
13 concerning medicaid fraud.

14 (f) A felony violation of section 18 of the Michigan gaming  
15 control and revenue act, the Initiated Law of 1996, MCL 432.218,  
16 concerning the business of gaming.

17 (g) A violation of section 409 of the uniform securities act,  
18 1964 PA 265, MCL 451.809, concerning securities fraud.

19 (h) A violation of section 5 or 7 of 1978 PA 33, MCL 722.675  
20 and 722.677, concerning the display or dissemination of obscene  
21 matter to minors.

22 (i) A felony violation of section 72, 73, 74, 75, or 77,  
23 concerning arson.

24 (j) A violation of section 93, 94, 95, or 96, concerning bank  
25 bonds, bills, notes, and property.

26 (k) A violation of section 110 or 110a, concerning breaking  
27 and entering or home invasion.

1           (l) A violation of section 117, 118, 119, 120, 121, or 124,  
2 concerning bribery.

3           (m) A violation of section 120a, concerning jury tampering.

4           (n) A violation of section 145c, concerning child sexually  
5 abusive activity or material.

6           (O) **A VIOLATION OF SECTION 145D, CONCERNING INTERNET OR**  
7 **COMPUTER CRIMES.**

8           (P) ~~(e)~~—A felony violation of section 157n, 157p, 157q, 157r,  
9 157s, 157t, or 157u, concerning credit cards or financial  
10 transaction devices.

11           (Q) ~~(p)~~—A felony violation of section 174, 175, 176, 180, 181,  
12 or 182, concerning embezzlement.

13           (R) ~~(q)~~—A felony violation of chapter XXXIII, concerning  
14 explosives and bombs.

15           (S) ~~(r)~~—A violation of section 213, concerning extortion.

16           (T) ~~(s)~~—A felony violation of section 218, concerning false  
17 pretenses.

18           (U) ~~(t)~~—A felony violation of section 223(2), 224(1)(a), (b),  
19 or (c), 224b, 224c, 224e(1), 226, 227, 234a, 234b, or 237a,  
20 concerning firearms or dangerous weapons.

21           (V) ~~(u)~~—A felony violation of chapter XLI, concerning forgery  
22 and counterfeiting.

23           (W) ~~(v)~~—A violation of section 271, 272, 273, or 274,  
24 concerning securities fraud.

25           (X) ~~(w)~~—A violation of section 300a, concerning food stamps or  
26 coupons or access devices.

27           (Y) ~~(x)~~—A violation of section 301, 302, 303, 304, 305, 305a,

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1 or 313, concerning gambling.

2 (Z) ~~(y)~~—A violation of section 316 or 317, concerning murder.

3 (AA) ~~(z)~~—A violation of section 330, 331, or 332, concerning  
4 horse racing.

5 (BB) ~~(aa)~~—A violation of section 349, 349a, or 350, concerning  
6 kidnapping.

7 (CC) ~~(bb)~~—A felony violation of chapter LII, concerning  
8 larceny.

9 (DD) ~~(ee)~~—A violation of section 411k, concerning money  
10 laundering.

11 (EE) ~~(dd)~~—A violation of section 422, 423, 424, or 425,  
12 concerning perjury or subornation of perjury.

13 (FF) ~~(ee)~~—A violation of section 452, 455, 457, 458, or 459,  
14 concerning prostitution.

15 (GG) ~~(ff)~~—A violation of section 529, 529a, 530, or 531,  
16 concerning robbery.

17 (HH) ~~(gg)~~—A felony violation of section 535, 535a, or 536a,  
18 concerning stolen, embezzled, or converted property.

19 (II) ~~(hh)~~—A violation of chapter LXXXIII-A, concerning  
20 terrorism.

21 (JJ) ~~(ii)~~—A violation of section 5 of 1984 PA 343, MCL  
22 752.365, concerning obscenity.

23 (KK) A **[FELONY]** VIOLATION OF THE IDENTITY THEFT PROTECTION ACT,  
24 2004 PA 452, MCL 445.61 TO 445.77.

25 (ll) ~~(jj)~~—An offense committed within this state or another  
26 state that constitutes racketeering activity as defined in section  
27 1961(1) of title 18 of the United States Code, 18 U.S.C.—USC 1961.

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1        **(MM)** ~~(kk)~~—An offense committed within this state or another  
2 state in violation of a law of the United States that is  
3 substantially similar to a violation listed in subdivisions (a)  
4 through ~~(ii)~~—**(KK)** .

5        **(NN)** ~~(ll)~~—An offense committed in another state in violation of  
6 a statute of that state that is substantially similar to a  
7 violation listed in subdivisions (a) through ~~(ii)~~—**(KK)** .

[Enacting section 1. This amendatory act takes effect November 1,  
2008.]