SENATE 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, **110A,**

13 112, 117, 118, 119, 120, 121, 124, 145c, 145d, 157q, 157r, 174,

14 175, 176, 180, 181, 182, 213, 214, 218, 219a, 224, 248, 249, 250,

15 251, 252, 253, 254, 255, 263, 264, 271, 272, 273, 274, 300, 356,

16 357, 357a, 359, 360, **459, 520B, 520C, 520D, 520G,** 529, 530, 531,

17 535, 540c, or 540g of the Michigan penal code, 1931 PA 328, MCL

18 750.49, 750.75, 750.94, 750.95, 750.96, 750.100, 750.104, 750.105,

19 750.106, 750.110, **750.110A,** 750.112, 750.117, 750.118, 750.119,

20 750.120, 750.121, 750.124, 750.145c, 750.145d, 750.157q, 750.157r,

21 750.174, 750.175, 750.176, 750.180, 750.181, 750.182, 750.213,

22 750.214, 750.218, 750.219a, 750.224, 750.248, 750.249, 750.250,

23 750.251, 750.252, 750.253, 750.254, 750.255, 750.263, 750.264,

24 750.271, 750.272, 750.273, 750.274, 750.300, 750.356, 750.357,

25 750.357a, 750.359, 750.360, **750.459, 750.520B, 750.520C, 750.520D,**

26 **750.520G,** 750.529, 750.530, 750.531, 750.535, 750.540c, and

27 750.540g.

1   (B) Chapter LXVIIA of the Michigan penal code, 1931 PA 328,

2 MCL 750.462a to ~~750.462j.~~ **750.462H.**

3   (C) Chapter LXXXIII-A of the Michigan penal code, 1931 PA 328,

4 MCL 750.543a to 750.543z.

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

6   (*ix*) A violation of section 601 of the occupational code, 1980

7 PA 299, MCL 339.601.

8   (b) "Instrumentality of a crime" means any property, other

9 than real property, the use of which contributes directly and

10 materially to the commission of a crime.

11   (c) "Person" means an individual, corporation, limited

12 liability company, partnership, or other business entity, or an

13 unincorporated or voluntary association.

14   (d) "Proceeds of a crime" means any property obtained through

15 the commission of a crime, including any appreciation in the value

16 of the property.

17   (e) "Security interest" means any interest in real or personal

18 property that secures payment or performance of an obligation.

19   (f) "Substituted proceeds of a crime" means any property

20 obtained or any gain realized by the sale or exchange of proceeds

21 of a crime.

22   **(G) "WILLFUL BLINDNESS" MEANS THE INTENTIONAL DISREGARD OF**

23 **OBJECTIVE FACT THAT WOULD LEAD A REASONABLE PERSON TO CONCLUDE THAT**

24 **THE PROPERTY WAS DERIVED FROM UNLAWFUL ACTIVITY OR WOULD BE USED**

25 **FOR AN UNLAWFUL PURPOSE.**

26   Enacting section 1. This amendatory act takes effect 90 days

27 after the date it is enacted into law.

1   Enacting section 2. This amendatory act does not take effect

2 unless House Bill No. 5234 of the 97th Legislature is enacted into

3 law.