

# SENATE BILL No. 224

February 12, 2009, Introduced by Senators BASHAM, JELINEK and JACOBS 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~~  
8 ~~anabolic 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 IL 1~~, MCL  
16 432.218, concerning the business of gaming.

17 **(G) A VIOLATION OF THE IDENTITY THEFT PROTECTION ACT, 2004 PA**  
18 **452, MCL 445.61 TO 445.79C.**

19 **(H)** ~~(g)~~ A violation of section 409 of the uniform securities  
20 act, 1964 PA 265, MCL 451.809, concerning securities fraud.

21 **(I)** ~~(h)~~ A violation of section 5 or 7 of 1978 PA 33, MCL  
22 722.675 and 722.677, concerning the display or dissemination of  
23 obscene matter to minors.

24 **(J)** ~~(i)~~ A felony violation of section 72, 73, 74, 75, or 77,  
25 concerning arson.

26 **(K)** ~~(j)~~ A violation of section 93, 94, 95, or 96, concerning  
27 bank bonds, bills, notes, and property.

1           (I) ~~(k)~~—A violation of section 110 or 110a, concerning breaking  
2 and entering or home invasion.

3           (M) ~~(l)~~—A violation of section 117, 118, 119, 120, 121, or 124,  
4 concerning bribery.

5           (N) ~~(m)~~—A violation of section 120a, concerning jury  
6 tampering.

7           (O) ~~(n)~~—A violation of section 145c, concerning child sexually  
8 abusive activity or material.

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

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

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

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

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

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

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

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

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

1           **(Y)** ~~(x)~~—A violation of section 301, 302, 303, 304, 305, 305a,  
2 or 313, concerning gambling.

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

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

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

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

10           **(DD)** ~~(cc)~~—A violation of section 411k, concerning money  
11 laundering.

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

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

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

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

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

22           **(JJ)** ~~(ii)~~—A violation of section 5 of 1984 PA 343, MCL  
23 752.365, concerning obscenity.

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

27           **(ll)** ~~(kk)~~—An offense committed within this state or another

1 state in violation of a law of the United States that is  
2 substantially similar to a violation listed in subdivisions (a)  
3 through ~~(ii)~~-(JJ) .

4 (MM) ~~(H)~~—An offense committed in another state in violation of  
5 a statute of that state that is substantially similar to a  
6 violation listed in subdivisions (a) through ~~(ii)~~-(JJ) .

7 Enacting section 1. This amendatory act does not take effect  
8 unless all of the following bills of the 95th Legislature are  
9 enacted into law:

10 (a) Senate Bill No. 223.

11

12 (b) Senate Bill No. 226.

13

14 (c) Senate Bill No. 225.

15