

# SENATE BILL No. 1129

February 10, 2010, Introduced by Senators PATTERSON, BASHAM, HUNTER, CLARKE, CLARK-COLEMAN, ANDERSON, THOMAS, KAHN and GARCIA and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 3801 (MCL 600.3801), as amended by 1988 PA 2.

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

1           Sec. 3801. (1) ~~Any~~ **A** building, vehicle, boat, aircraft, or  
2 place **IS A NUISANCE IF 1 OR MORE OF THE FOLLOWING APPLY:**

3           **(A) IT IS** used for the purpose of lewdness, assignation, or  
4 prostitution or gambling. ~~or~~

5           **(B) IT IS** used by, or kept for the use of, prostitutes or  
6 other disorderly persons. ~~or~~

7           **(C) IT IS** used for the unlawful manufacture, transporting,  
8 sale, keeping for sale, bartering, or furnishing of ~~any~~ **A**  
9 controlled substance. ~~as defined in section 7104 of the public~~

1 ~~health code, Act No. 368 of the Public Acts of 1978, being section~~  
2 ~~333.7104 of the Michigan Compiled Laws, or~~

3 (D) IT IS USED FOR THE UNLAWFUL MANUFACTURE, TRANSPORTING,  
4 SALE, KEEPING FOR SALE, BARTERING, OR FURNISHING of ~~any~~ vinous,  
5 malt, brewed, fermented, spirituous, or intoxicating liquors or ~~any~~  
6 mixed liquors or beverages, any part of which is intoxicating. ~~, is~~  
7 ~~declared a nuisance, and the~~

8 (E) IT IS USED FOR CONDUCT PROHIBITED BY SECTION 49 OF THE  
9 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.49.

10 (2) ALL furniture, fixtures, and contents of ~~the~~ A building,  
11 vehicle, boat, aircraft, or place DESCRIBED IN SUBSECTION (1) and  
12 all intoxicating liquors ~~therein~~ IN THE BUILDING, VEHICLE, BOAT,  
13 AIRCRAFT, OR PLACE are also declared a nuisance. ~~, and all~~

14 (3) ALL controlled substances and nuisances shall be enjoined  
15 and abated as provided in this act and ~~as provided in the court~~  
16 ~~rules. Any~~

17 (4) A person, or ~~his or her~~ A servant, agent, or employee OF  
18 THE PERSON, who owns, leases, conducts, or maintains ~~any~~ A  
19 building, vehicle, or place ~~used for any of the purposes or acts~~  
20 ~~set forth in this section~~ DESCRIBED IN SUBSECTION (1) is guilty of  
21 a nuisance.

22 (5) AS USED IN THIS SECTION, "CONTROLLED SUBSTANCE" MEANS THAT  
23 TERM AS DEFINED IN SECTION 7104 OF THE PUBLIC HEALTH CODE, 1978 PA  
24 368, MCL 333.7104.