



**House
Legislative
Analysis
Section**

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NUISANCES: CONTROLLED SUBSTANCES

House Bill 4317 (Substitute H-1)
First Analysis (5-13-87)

RECEIVED

Sponsor: Rep. Floyd Clack
Committee: Judiciary

JUN 02 1987

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THE APPARENT PROBLEM:

The Revised Judicature Act authorizes courts to declare buildings, vehicles, boats, and planes used for certain purposes to be nuisances subject to padlocking under court order. The nuisance abatement law, which can be used to close houses of prostitution, gambling houses, and dope houses, is of limited usefulness when it comes to closing dope houses other than those where heroin trafficking is involved. This is because the law refers to trafficking in any "narcotic and/or hypnotic drug", a vague usage which generally is taken to mean opiates. If the law instead referred to controlled substances, it could be used to close "crack" houses and other places where cocaine and other drugs are bought and sold. In its 1987 Drug Task Force Report, the Prosecuting Attorneys Association of Michigan recommended that the nuisance abatement law be amended to refer to controlled substances.

THE CONTENT OF THE BILL:

The bill would amend the nuisance abatement law contained within the Revised Judicature Act to replace references to "narcotic and/or hypnotic drug" with "controlled substances", thereby including cocaine, marijuana, and other illegal drugs within the nuisance abatement law. In addition, the bill would delete language referring to storing, possessing, or giving away proscribed substances. The law would continue to refer to unlawful manufacture, transporting, sale, keeping for sale, bartering, and furnishing.

MCL 600.3801

FISCAL IMPLICATIONS:

Fiscal information is not available.

ARGUMENTS:

For:

Dope houses are a plague upon the city neighborhoods in which they occur. Drug trafficking, violent crime, and theft endanger and disrupt the lives of law-abiding citizens. The appearance of dope houses can put an entire neighborhood into decline. An expeditious and useful tool to combat the problem is provided by the nuisance abatement law, which allows a court to close a drug house by declaring it to be a public nuisance. In fact, the full process available under the law often is not necessary; inhabitants move out or the place is put up for sale before the court hearing is held. However, without appropriate amendments, the nuisance abatement law is useful only against the dope houses where opiate (heroin) trafficking occurs. The bill would enable communities to shut down drug houses where other drugs, notably cocaine and marijuana, are bought and sold.

POSITIONS:

The Prosecuting Attorneys Association of Michigan supports the bill. (5-12-87)

The Wayne County Prosecutor's Office supports the bill. (5-12-87)

The Genesee County Prosecutor testified in support of the bill. (5-12-87)

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