



Senate Fiscal Agency
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Senate Bill 969 (Substitute S-1 as reported)
Sponsor: Senator Rick Jones
Committee: Judiciary

CONTENT

The bill would amend Chapter 38 (Public Nuisances) of the Revised Judicature Act to authorize a city, village, or township attorney to bring an action for equitable relief in the name of the State for a nuisance described in that chapter, and to make an injunction in a nuisance suit binding statewide.

Under Chapter 38, a building, vehicle, boat, aircraft, or place is a nuisance if it is used for an illegal activity described in Section 3801 (listed below). The Attorney General, a county prosecuting attorney, or a resident of a county may maintain an action in the name of the State to abate the nuisance and to enjoin any person who owns, leases, or maintains the property from using it for any of the specified purposes. An injunction granted in such a suit is binding on the defendant throughout the judicial circuit in which it was issued.

Under the bill, an attorney for the city, village, or township in which the nuisance was located also could maintain an action for equitable relief in the name of the State. An injunction would be binding throughout the State.

(Under Section 3801, a building, vehicle, boat, aircraft, or place is a nuisance if any of the following apply:

- It is used for the purpose of lewdness, assignation, prostitution, or gambling.
- It is used by, or kept for, prostitutes or other disorderly persons.
- It is used for the unlawful manufacture, transporting, or sale of a controlled substance.
- It is used for the unlawful manufacture, transporting, or sale of intoxicating liquor or mixed liquor or beverages, any part of which is intoxicating.
- It is used for various activities related to the use of an animal for fighting or baiting, or as a shooting target, in violation of Section 49 of the Michigan Penal Code.)

MCL 600.3805

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

To the extent that the bill allowed for more parties to request nuisance injunctions, there could be an increase in the caseload of local courts. Local units also could incur increased costs to punish violators. Under Chapter 38, a person who violates an injunction may be punished for contempt and fined up to \$1,000 and/or imprisoned for up to six months.

Additionally, since an injunction would be binding throughout the State, there could be an increase in administrative costs to State government to track the injunctions on a broader basis.

Date Completed: 6-4-14

Fiscal Analyst: John Maxwell

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Bill Analysis @ www.senate.michigan.gov/sfa

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