



Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383  
Fax: (517) 373-1986

Senate Bill 969 (as introduced 6-2-14)  
Sponsor: Senator Rick Jones  
Committee: Judiciary

Date Completed: 6-3-14

### **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, the Attorney General, a county prosecuting attorney, or any resident of the county in which a nuisance described in Section 3801 was located, or a city, village, or township attorney for the city, village, or township in which the nuisance was located, could maintain an action for equitable relief in the name of the State. An injunction would be binding on the defendant throughout the State.

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

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

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 imprisonment 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.

Fiscal Analyst: John Maxwell

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.