

HOUSE BILL No. 4267

February 11, 1997, Introduced by Reps. Scott, Hale, McBryde, Hanley, Brewer, Schauer, DeHart, Goschka, Gire, Dalman, Freeman, Vaughn, Kelly, Voorhees, Leland, McManus, Byl, Thomas, Schermesser, Parks, Price, Rison, Murphy, Cherry, Prusi, Curtis, Owen, Dobronski, Green, Geiger, Kukuk, Kaza, Gagliardi, Mathieu, Emerson, Richner, Rocca, Hood, Quarles and Perricone and referred to the Committee on Judiciary.

A bill to provide for expedited eviction of persons engaged in certain drug-related activities and to enjoin persons engaged in certain drug-related activities from being at or near certain residential premises; to provide civil remedies; to prescribe duties for certain state agencies; to grant immunity to certain persons; to provide for the distribution of information and drug treatment services; and to provide opportunities for drug rehabilitation.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "expedited eviction of drug traffickers act".

3 Sec. 2. As used in this act:

4 (a) "Complete eviction" means the eviction and removal of a
5 tenant and all members of the tenant's household.

1 (b) "Controlled substance" means that term as defined in
2 section 7104 of the public health code, 1978 PA 368,
3 MCL 333.7104.

4 (c) "Deliver" means that term as defined in section 7105 of
5 the public health code, 1978 PA 368, MCL 333.7105.

6 (d) "Distribute" means that term as defined in section 7105
7 of the public health code, 1978 PA 368, MCL 333.7105.

8 (e) "Drug dependent person" means a person who engages in
9 substance abuse as defined in section 6107 of the public health
10 code, 1978 PA 368, MCL 333.6107.

11 (f) "Drug-related criminal activity" means the unlawful man-
12 ufacture of, delivery of, or possession with intent to manufac-
13 ture or deliver of a controlled substance in violation of section
14 7401 of the public health code, 1978 PA 368, MCL 333.7401, or an
15 unlawful attempt or conspiracy to commit such an act.

16 (g) "Guest" means an individual who has been given express
17 or implied permission by a tenant, a member of the tenant's
18 household, or another guest of the tenant to enter an individual
19 rental unit or any portion of the leased residential premises.

20 (h) "Individual rental unit" means an apartment or individ-
21 ual dwelling or accommodation that is leased to a particular
22 tenant, whether or not it is used or occupied or intended to be
23 used or occupied by a single family or household.

24 (i) "Landlord" means a person, entity, corporation, or gov-
25 ernmental authority or agency that owns, operates, or manages any
26 leased residential premises.

1 (j) "Leased residential premises" means a house, building,
2 mobile home, or apartment, whether publicly or privately owned,
3 that is leased for residential purposes. These terms include the
4 entire building or complex of buildings or mobile home park and
5 all real property of any nature appurtenant to and used in con-
6 nection with the building or mobile home park, including all
7 individual rental units and common areas. These terms do not
8 include a hotel, motel, or other guest house or part of a guest
9 house rented to a transient guest.

10 (k) "Manufacture" means that term as defined in section 7106
11 of the public health code, 1978 PA 368, MCL 333.7106.

12 (l) "Office of substance abuse services" means the state
13 agency created in section 6201 of the public health code, 1978
14 PA 368, MCL 333.6201, to plan, manage, monitor, and evaluate
15 alcohol and other drug treatment services in the state.

16 (m) "Partial eviction" means the eviction and removal of
17 specified persons other than the tenant from a leased residential
18 premises.

19 (n) "Person" means an individual, corporation, association,
20 partnership, trustee, lessee, agent, assignee, enterprise, gov-
21 ernmental entity, and any other legal entity or group of individ-
22 uals associated in fact that is capable of holding a legal or
23 beneficial interest in property.

24 (o) "Resident" means an individual who lawfully resides in a
25 leased residential premises who is not a signatory to a lease or
26 has no contractual relationship to a landlord. The term

1 includes, but is not limited to, members of the tenant's
2 household.

3 (p) "Tenant" means an individual or entity who is a named
4 party or signatory to a lease or rental agreement, and who occu-
5 pies, resides at, or has a legal right to possess and use an
6 individual rental unit.

7 (q) "Tenant organization" means an organization or associa-
8 tion, whether or not incorporated, that is representative of the
9 tenants or residents of a leased residential premises and whose
10 membership consists of tenants of the leased residential
11 premises. The term also includes a community-based organization
12 with members who are tenants of the leased residential premises.

13 Sec. 4. The civil causes of action established in this act
14 shall be proved by a preponderance of the evidence, except as
15 otherwise provided in this act.

16 Sec. 6. (1) A civil action pursuant to this act may be
17 brought by any of the following:

18 (a) The landlord of a leased residential premises, or his or
19 her agent.

20 (b) A tenant organization.

21 (c) A prosecuting attorney, or municipal, county, or state
22 attorney.

23 (2) If the court determines in its discretion that the
24 plaintiff bringing an action pursuant to this act has failed to
25 prosecute the matter with reasonable diligence, the court may
26 substitute as plaintiff a person who consents if that substituted
27 person would have been authorized to initiate the action.

1 (3) A civil action pursuant to this act may be brought
2 against any person within the jurisdiction of the court, includ-
3 ing, but not limited to, a tenant, adult or minor member of the
4 tenant's household, guest, or resident of the leased residential
5 premises. If any defendant's true name is unknown to the plain-
6 tiff, process may issue against the defendant under a fictitious
7 name, stating it to be fictitious and adding an appropriate
8 description sufficient to identify him or her.

9 (4) A complaint initiating an action pursuant to this act
10 shall be personally served on all defendants. After filing an
11 affidavit that personal service cannot be had after due diligence
12 on 1 or more defendants within 20 days after the filing of the
13 complaint, the plaintiff may:

14 (a) Mail a copy of the complaint to the defendant by certi-
15 fied mail, restricted delivery, with return receipt requested to
16 the clerk of court.

17 (b) Affix a copy of the complaint conspicuously to the main
18 entrance to the premises and to all entrances to the individual
19 rental unit where the drug-related criminal activity is alleged
20 to have occurred.

21 (5) Service is complete 5 days after filing with the court
22 proof that the complaint has been mailed and an affidavit that a
23 copy of the complaint has been affixed to the premises.

24 (6) All tenants or residents of a premises that is used in
25 whole or in part as a home, residence, or dwelling, other than
26 transient guests of a guest house, hotel, or motel, who may be
27 affected by an order issued pursuant to this act, shall be given

1 reasonable notice as ordered by the court and shall be afforded
2 an opportunity to be heard at all hearings.

3 (7) It is not necessary to provide notice to the tenant to
4 vacate the premises before filing the complaint initiating a
5 civil action pursuant to this act.

6 (8) If an action pursuant to this act is initiated by a
7 tenant organization, prosecuting attorney, attorney general, or
8 municipal or county attorney, the owner of the leased residential
9 premises shall be named as a defendant and shall be served with a
10 copy of the complaint pursuant to subsection (4). An agent of
11 the owner may be named as a party and shall have the right to
12 appear and participate in all proceedings under this act.

13 (9) A tenant organization is not permitted to bring an
14 action pursuant to this act unless the organization is repre-
15 sented by an attorney who is licensed in this state.

16 Sec. 8. (1) Subject to sections 10 and 24, the court shall
17 order the immediate eviction of a tenant if it finds 1 or more of
18 the following:

19 (a) Drug-related criminal activity has occurred on or within
20 the individual rental unit leased to the tenant.

21 (b) The individual rental unit leased to the tenant was used
22 in furtherance of or to promote drug-related criminal activity.

23 (c) The tenant, any member of the tenant's household, or any
24 guest has engaged in drug-related criminal activity on or in the
25 immediate vicinity of any portion of the leased residential
26 premises.

1 (d) The tenant has given permission to or invited an
2 individual to return or reenter any portion of the leased
3 residential premises, knowing that the individual has been
4 removed and barred from the leased residential premises pursuant
5 to this act.

6 (e) The tenant has failed to notify law enforcement or
7 public housing authorities immediately upon learning that an
8 individual who has been removed and barred from the tenant's
9 individual rental unit pursuant to this act has returned to or
10 reentered the tenant's individual rental unit.

11 (2) The court shall, subject to sections 10 and 24, order
12 the immediate removal from the leased residential premises of any
13 individual other than the tenant, including, but not limited to,
14 an adult or minor member of the tenant's household, if the court
15 finds that the household member has engaged in drug-related crim-
16 inal activity on or in the immediate vicinity of any portion of
17 the leased residential premises. Individuals removed pursuant to
18 this section shall be barred from returning to or reentering any
19 portion of the leased residential premises.

20 (3) If the court finds that a member of the tenant's house-
21 hold or guest or resident of the tenant's leased residential
22 premises has engaged in drug-related criminal activity on or in
23 the immediate vicinity of any portion of the leased residential
24 premises, but the individual has not been named as a party
25 defendant, has not appeared in the action, or has not been sub-
26 jected to the jurisdiction of the court, a removal order issued
27 pursuant to subsection (2) shall be directed against the tenant,

1 and shall provide that as an express condition of the tenancy,
2 the tenant shall not give permission to or invite the barred
3 individual to return to or reenter any portion of the leased res-
4 idential premises. The tenant shall acknowledge in writing that
5 he or she understands the terms of the court's order, and that he
6 or she further understands that the failure to comply with the
7 court's order will result in the mandatory termination of the
8 tenancy pursuant to section 18.

9 Sec. 10. (1) The court may refrain from ordering the com-
10 plete eviction of a tenant pursuant to section 8(1) if the tenant
11 establishes all of the following:

12 (a) He or she was not involved in the drug-related criminal
13 activity.

14 (b) He or she did not know or have reason to know that
15 drug-related criminal activity was occurring on or within the
16 individual rental unit, that the individual rental unit was used
17 in any way in furtherance of or to promote drug-related criminal
18 activity, or that any member of the tenant's household or any
19 guest had engaged in the drug-related criminal activity on or in
20 the immediate vicinity of any portion of the entire premises.

21 (c) He or she had done everything that could reasonably be
22 expected in the circumstances to prevent the commission of the
23 drug-related criminal activity.

24 (d) He or she promptly reported the drug-related criminal
25 activity to appropriate law enforcement authorities.

26 (2) When the grounds for a complete eviction have been
27 established, the court shall immediately order the eviction of

1 the tenant, unless, due to the circumstances of the criminal
2 activity and the condition of the tenant, the court is clearly
3 convinced that immediate eviction or removal would be a serious
4 injustice, the prevention of which overrides the need to protect
5 the rights, safety, and health of the other tenants and residents
6 of the leased residential premises.

7 (3) An affirmative defense under subsection (1) shall be
8 established by a preponderance of the evidence. An exemption
9 under subsection (2) shall be established by clear and convincing
10 evidence.

11 Sec. 12. (1) If the plaintiff establishes grounds for a
12 complete eviction but the court finds that the tenant satisfacto-
13 rily established the basis for an affirmative defense or exemp-
14 tion pursuant to section 10, and the court in its discretion
15 elects not to order the complete eviction of the tenant, the
16 court, except as provided in section 24, shall order the immedi-
17 ate removal from the entire premises of any individual other than
18 the tenant, including, but not limited to, adult or minor members
19 of the tenant's household who have engaged in drug-related crimi-
20 nal activity on any portion of the entire premises. Individuals
21 removed pursuant to this section shall be permanently barred from
22 returning to or reentering any portion of the leased residential
23 premises. The court shall further order as an express condition
24 of the tenancy that the tenant shall not give permission to or
25 invite any person who has been removed pursuant to this act to
26 return to or reenter any portion of the leased residential
27 premises.

1 (2) The tenant who is subject to an order under subsection
2 (1) shall acknowledge in writing that he or she understands the
3 terms of the court's order issued pursuant to subsection (1) and
4 that he or she further understands that the failure to comply
5 with the court's order will result in the mandatory termination
6 of the tenancy pursuant to section 8. Refusal by the tenant to
7 acknowledge the terms of the court order shall vitiate a prior
8 finding by the court that an exemption to a complete eviction
9 exists, or that the tenant has satisfactorily established an
10 affirmative defense.

11 Sec. 14. The court before which the civil action has been
12 brought pursuant to this act shall have the authority at any time
13 to issue a temporary restraining order, grant preliminary relief,
14 or take other action the court considers necessary to enjoin or
15 prevent the commission of drug-related criminal activity on or in
16 the immediate vicinity of leased residential premises, or to pro-
17 tect the rights and interests of all tenants and residents. A
18 person who violates the preliminary restraining order or prelimi-
19 nary relief shall be held in civil or criminal contempt.

20 Sec. 16. A removal or eviction order issued by a court pur-
21 suant to this act shall be enforced by the person bringing the
22 action. However, the appropriate law enforcement agency shall,
23 upon the request of the person bringing the action, assume
24 responsibility for the actual execution of the removal or
25 eviction.

1 Sec. 18. (1) Any person authorized to bring an action
2 pursuant to this act may at any time move to enforce a removal
3 order issued pursuant to this act.

4 (2) A motion to enforce a removal order shall be heard on an
5 expedited basis.

6 (3) The court shall order the immediate eviction of the
7 tenant when it finds that the tenant has knowingly violated an
8 express term or condition of an order issued by the court pursu-
9 ant to this act.

10 Sec. 20. It is not a defense to an action brought pursuant
11 to this act that the drug-related criminal activity was an iso-
12 lated incident or has not recurred, and it is not a defense that
13 the person who actually engaged in the drug-related criminal
14 activity no longer resides in the tenant's individual rental
15 unit.

16 Sec. 22. (1) When a complaint is filed initiating an action
17 pursuant to this act, the court shall set the matter for a hear-
18 ing which shall be held within 15 days after the filing of the
19 complaint.

20 (2) The court shall not grant a continuance or stay the
21 civil proceedings pending the disposition of a related criminal
22 proceeding, except for compelling and extraordinary reasons or on
23 application of the prosecuting attorney for good cause shown.

24 Sec. 24. (1) On the application of the tenant or other
25 individual subject to removal, the court may suspend the execu-
26 tion of an order of complete or partial eviction for a period of
27 not more than 10 days in order to refer the individual to a

1 licensed substance abuse treatment program or facility for
2 alcohol and other drug addiction assessment and treatment recom-
3 mendations, in order to determine whether the individual is a
4 suitable candidate for a stay of execution of eviction or removal
5 pursuant to subsection (3) if all of the following circumstances
6 exist:

7 (a) The individual asserts all of the following:

8 (i) He or she is a drug dependent person as defined in sec-
9 tion 2.

10 (ii) He or she is willing to participate in a licensed
11 treatment and monitoring program recommended by the licensed sub-
12 stance abuse treatment program or facility and approved by the
13 court.

14 (iii) He or she meets the requirements set forth in subsec-
15 tion (3)(d) or (e).

16 (b) The court is clearly convinced that the temporary sus-
17 pension of execution of the order of eviction or removal will not
18 endanger the safety of the community or otherwise unduly jeopar-
19 dize the rights or interests of other tenants and residents of
20 the leased residential premises.

21 (2) Pending the filing of an application for a stay of exe-
22 cution pursuant to subsection (3), a temporary suspension issued
23 pursuant to subsection (1) shall automatically expire on the date
24 fixed by the court, or 10 days after the suspension is granted,
25 whichever is earlier. The order of eviction or removal shall be
26 immediately enforced when the temporary suspension expires unless
27 a stay is granted in accordance with subsection (3).

1 (3) On application of the tenant or other individual subject
2 to removal, the court may stay execution of an order of complete
3 or partial eviction, for a period of time as provided in
4 subsection (7) during which the individual is participating in a
5 court-approved and licensed alcohol or other drug treatment pro-
6 gram, if the tenant or other individual subject to complete or
7 partial eviction establishes by clear and convincing evidence
8 that all of the following circumstances exist:

9 (a) He or she is drug dependent and the drug-related crimi-
10 nal activity that was the basis for the order of eviction or
11 removal was committed in order to support the person's drug
12 dependency.

13 (b) If the individual is an adult, there is no evidence
14 that, in the commission of the drug-related criminal activity, he
15 or she distributed a controlled substance to an individual under
16 16 years of age.

17 (c) There is no evidence that the individual unlawfully used
18 or possessed a firearm on the leased premises, or that the indi-
19 vidual used or threatened to use violence in committing any of
20 the acts that are the basis for the order of eviction or
21 removal.

22 (d) The individual has not previously undergone
23 court-approved treatment pursuant to this section.

24 (e) The individual has agreed to participate in the course
25 of alcohol or other drug treatment recommended by the treatment
26 facility conducting the court-ordered addiction assessment.

1 (f) The stay of execution of the order of complete or
2 partial eviction will not endanger the safety of the community or
3 otherwise unduly jeopardize the rights or interests of other
4 tenants and residents of the leased residential premises.

5 (g) Admission to the recommended course of treatment will
6 serve to benefit the individual by addressing his or her drug
7 dependency and will remove the incentive for the person to engage
8 in drug-related criminal activity.

9 (4) The plaintiff in the civil action and the tenant organi-
10 zation for the premises, whether or not the organization joined
11 in the civil action, shall have an opportunity to be heard with
12 respect to an application to temporarily suspend execution of an
13 eviction order pursuant to subsection (1) or to stay execution of
14 an eviction order pursuant to subsection (3), or to discharge the
15 order of eviction or removal pursuant to subsection (12), and
16 shall also have the right to participate in any action upon a
17 violation pursuant to subsection (11).

18 (5) When the court is satisfied that the grounds for a stay
19 set forth in subsection (3) have been established by clear and
20 convincing evidence, the court shall order the individual to par-
21 ticipate in the recommended course of treatment and to undergo
22 periodic drug testing as a condition of the stay of execution of
23 the eviction or removal order. The course of treatment shall
24 take place in a substance abuse treatment program licensed by the
25 office of substance abuse services on alcohol and other drugs to
26 provide substance abuse treatment. The court shall impose
27 reasonable terms and conditions of the individual's participation

1 in the court-approved treatment program as if the individual were
2 placed on probation following a conviction for a crime. The
3 terms and conditions of participation shall include a requirement
4 that the individual comply with all rules and regulations estab-
5 lished by the treatment program. The terms and conditions
6 imposed by the court may also include, but need not be limited
7 to, establishing a curfew or imposing restrictions on the
8 individual's associations and places where he or she may travel.
9 The court may at any time modify or impose additional terms or
10 conditions, if the court, prior to its removal of any significant
11 term or condition, provides notice to all persons entitled pursu-
12 ant to subsection (4) to participate in the proceedings. The
13 individual placed on probationary tenancy shall consent to the
14 original or amended terms and conditions as a condition of the
15 stay of execution of the eviction or removal order, and shall
16 acknowledge in writing that he or she understands and accepts all
17 of the terms and conditions of participation in the
18 court-approved treatment program. If the individual refuses to
19 accept or comply with any of the original or amended terms and
20 conditions, the stay of execution shall be automatically
21 rescinded and the order of eviction or removal shall be immedi-
22 ately enforced.

23 (6) If the individual maintains compliance with the terms
24 and conditions of the court and with the requirements of the
25 course of treatment and monitoring, the stay of execution of an
26 order of eviction or removal shall remain in force for a period
27 of 6 months. The court, upon recommendation by the treatment

1 program, may extend the initial period of the probationary
2 tenancy for an additional 6 months.

3 (7) A stay of execution of an order of eviction or removal
4 pursuant to this section shall be contingent upon the individual
5 commencing his or her participation in the recommended course of
6 treatment, or being placed on a certified waiting list until a
7 position for the recommended course of treatment becomes avail-
8 able, within 10 days of the entry of the court's order granting
9 the stay of execution of eviction or removal. If the individual
10 is placed on a certified waiting list, he or she shall submit to
11 regular drug testing as ordered by the court and shall attend,
12 with verification, no fewer than 5 12-step recovery meetings per
13 week until the course of treatment begins. If the individual
14 fails to comply with the conditions of this subsection within
15 this time period, the stay of execution shall be automatically
16 rescinded unless the court determines that there are extraordi-
17 nary and compelling reasons to reinstate the stay pending the
18 individual's participation in the recommended course of treatment
19 by a date to be fixed by the court.

20 (8) As a condition of the stay of execution of the eviction
21 or removal order, the treatment program shall agree in writing to
22 report periodically to the court on the individual's progress and
23 compliance with court-imposed terms and conditions. The treat-
24 ment program shall further agree to promptly report any signifi-
25 cant failure to comply with the requirements of the course of
26 treatment and to immediately advise the court if the individual
27 terminates his or her participation in the course of treatment.

1 The individual and, if the individual is a minor, the
2 individual's parent or legal guardian shall sign, as a condition
3 of the stay of execution, the necessary consent forms to release
4 information to the court pursuant to this section.

5 (9) The court may assign the county probation department
6 and, in the case of a juvenile, the family independence agency
7 the responsibility to assist in monitoring and supervising the
8 individual's participation in the recommended course of treatment
9 and his or her compliance with all court-imposed terms and condi-
10 tions of the probationary tenancy. The court may also assign the
11 county probation department the responsibility of administering
12 the periodic drug testing. The agency shall immediately report
13 any significant violation of the court-imposed terms and condi-
14 tions in accordance with subsection (8).

15 (10) Upon a first significant violation of any court-ordered
16 term or condition of the probationary tenancy, the court may and
17 upon recommendation of the treatment program or upon subsequent
18 violation shall in the absence of extraordinary and compelling
19 reasons rescind the stay of execution of the order of eviction or
20 removal and immediately enforce the order of eviction and
21 removal. In making its determination whether to rescind the stay
22 after a first significant violation, the court shall consider the
23 nature and seriousness of the infraction in relation to the
24 individual's progress in the course of treatment, and shall also
25 consider the recommendations of the treatment program. If the
26 treatment program discontinues the individual's course of
27 treatment, the court shall revoke the probationary tenancy and

1 rescind the stay of execution of the order of eviction or
2 removal, unless the treatment program recommends that another
3 treatment program be engaged to provide the course of treatment.
4 Notwithstanding any other provision of this section, if the court
5 finds reasonable grounds to believe that the individual, during
6 the term of the probationary tenancy, has been involved in
7 drug-related criminal activity, whether or not the activity
8 occurred on the leased residential premises, the court shall
9 immediately rescind the stay of execution of the order of evic-
10 tion or removal and the order of eviction or removal shall be
11 immediately enforced.

12 (11) An action for a violation of any term or condition of
13 the probationary tenancy may be initiated by any person that
14 could have initiated the eviction action pursuant to this act, by
15 the treatment program, by any agency assigned by the court to
16 assist in monitoring or supervising the probationary tenancy, or
17 by the court on its own motion. The action shall be summary in
18 nature and shall be heard and decided within 5 days of the notice
19 to the court of the violation.

20 (12) If after the expiration of the term of probationary
21 tenancy the court determines that the individual has satisfacto-
22 rily complied with the terms and conditions of the recommended
23 course of treatment and that the individual no longer poses a
24 risk to the other residents and tenants of the leased residential
25 premises, the court shall discharge the order of eviction or
26 removal and shall dismiss the action brought pursuant to this

1 act. Nothing in this section shall be construed to prevent the
2 initiation at any time of a new action pursuant to this act.

3 Sec. 26. (1) The fact that a criminal prosecution involving
4 drug-related criminal activity is not commenced or, if commenced,
5 has not yet been concluded or has terminated without a conviction
6 or adjudication of delinquency does not preclude a civil action
7 or the issuance of an order pursuant to this act.

8 (2) If a criminal prosecution involving the drug-related
9 criminal activity results in a final criminal conviction or adju-
10 dication of delinquency, the conviction or adjudication creates a
11 rebuttable presumption that the drug violation occurred. A final
12 conviction or adjudication estops the convicted defendant or
13 adjudicated juvenile from denying the essential allegations of
14 the criminal offense in any subsequent civil proceeding brought
15 pursuant to this act.

16 (3) Evidence or testimony admitted in the criminal proceed-
17 ing, including recordings or transcripts of the adult or juvenile
18 criminal proceedings, whether or not they have been transcribed,
19 may be admitted in the civil action initiated pursuant to this
20 act.

21 (4) If the evidence or records of a criminal proceeding that
22 did not result in an adjudication of delinquency have been closed
23 in accordance with section 28 of 1939 PA 288, MCL 712A.28, the
24 court in a civil action brought pursuant to this act may order
25 the evidence or records, whether or not they have been tran-
26 scribed, to be opened if the court finds that the evidence or

1 records are relevant to the fair disposition of the civil
2 action.

3 Sec. 28. The parties to an action brought pursuant to this
4 act are not entitled to conduct discovery otherwise available in
5 a civil action except by leave of the court if required to ensure
6 the fair disposition of the civil action. However, the plaintiff
7 in a civil action brought pursuant to this act shall provide to
8 the tenant and all other named defendants a reasonable opportu-
9 nity before the hearing to examine relevant documents or records
10 within the plaintiff's possession that directly relate to the
11 action, subject to the limitations of section 30.

12 Sec. 30. A law enforcement agency may make available to a
13 person authorized to bring an action pursuant to this act a
14 police report, edited portion of a police report, forensic labo-
15 ratory report, or edited portion of a forensic laboratory report,
16 concerning drug-related criminal activity committed on or in the
17 immediate vicinity of the leased residential premises. The
18 agency shall not disclose this information if, in the agency's
19 opinion, the disclosure would jeopardize an investigation, prose-
20 cution, or other proceeding, or if the disclosure would violate
21 any federal or state statute. A law enforcement agency shall
22 also make an officer available to testify as a fact witness or
23 expert witness in a civil action brought pursuant to this act.

24 Sec. 32. If proof necessary to establish the grounds for
25 eviction depends, in whole or in part, upon the affidavit or tes-
26 timony of witnesses who are not peace officers, the court, upon a
27 showing of prior threats of violence or acts of violence by a

1 defendant or another individual, may issue orders to protect
2 those witnesses, including, but not limited to, the nondisclosure
3 of the name, address, or other information that may identify
4 those witnesses.

5 Sec. 34. A landlord or owner is entitled to collect rent
6 due from the tenant during the pendency of any civil action
7 brought pursuant to this act.

8 Sec. 36. A tenant organization, prosecuting attorney,
9 attorney general, or a municipal or county attorney that brings a
10 successful action pursuant to this act, including an action that
11 is ultimately discharged under section 24(12), is entitled to
12 recover the cost of the action including, but not limited to,
13 reasonable attorney fees and costs, from the landlord or owner of
14 the leased residential premises involved, if the landlord or
15 owner, or his or her appropriate agent, refused to bring the
16 action within 10 days after having been requested to do so in
17 writing, if the request was delivered personally or by certified
18 mail, return receipt requested. If the court determines, pursu-
19 ant to section 8, that an owner or landlord of the leased resi-
20 dential premises, or his or her agent, has failed to prosecute
21 the action with reasonable diligence, the owner, landlord, or
22 agent is responsible for the payment of all reasonable costs of
23 the action expended by a prevailing substitute plaintiff desig-
24 nated pursuant to section 6.

25 Sec. 38. The causes of action and remedies authorized by
26 this act shall be cumulative with each other and shall be in

1 addition to any other causes of action or other available legal
2 or equitable remedies.

3 Sec. 40. A person who, in good faith, institutes or partic-
4 ipates in, who encourages a person to institute or participate
5 in, or who in good faith provides any information relied upon by
6 any person in instituting or participating in a civil action pur-
7 suant to this act is immune from civil liability that might oth-
8 erwise be incurred or imposed. A person who provides information
9 has the same immunity from civil liability with respect to testi-
10 mony given in a judicial proceeding conducted pursuant to this
11 act.

12 Sec. 42. (1) The court, before the removal of any individ-
13 ual pursuant to this act, shall provide that individual with
14 notice of the removal, outreach information, and referral materi-
15 als on how to obtain treatment for alcohol or other drug abuse.

16 (2) Not less than 10 days before the removal of any person
17 pursuant to this act, the court shall notify the local alcohol
18 and other drug agency, the local child welfare agency if applica-
19 ble, and other appropriate social service agencies of the
20 removal.

21 (3) The office of substance abuse services or its designee
22 shall prepare the outreach information and referral materials and
23 shall disseminate the information and materials to all courts
24 having jurisdiction to issue orders pursuant to this act.

25 (4) Licensed treatment programs may apply to the office of
26 substance abuse services or its designee for compensation for
27 treatment services provided to individuals removed pursuant to

1 this act. The office of substance abuse services shall
2 promulgate appropriate rules pursuant to the administrative pro-
3 cedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to govern
4 the treatment programs and the manner of dispensation of compen-
5 sation to the licensed treatment programs.

6 (5) Compensation for the licensed treatment programs shall
7 be drawn from the treatment for displaced residents fund created
8 in section 30 of the drug nuisance abatement act.

9 Sec. 44. Notwithstanding any other provision of law, a
10 landlord or owner does not bear any responsibility or liability
11 for relocating any person who has been evicted, removed, or
12 barred pursuant to this act.

13 Sec. 46. Any person who knowingly violates any order issued
14 pursuant to this act, or who knowingly interferes with,
15 obstructs, impairs, or prevents any law enforcement officer from
16 enforcing or executing any order issued pursuant to this act, is
17 subject to criminal contempt power of the court under section
18 1701 of the revised judicature act of 1961, 1961 PA 236,
19 MCL 600.1701. This section shall not be construed to preclude or
20 preempt a criminal prosecution for any other criminal offense.

21 Sec. 48. This act does not take effect unless all of the
22 following bills of the 89th Legislature are enacted into law:

23 (a) Senate Bill No. _____ or House Bill No. _____
24 (request no. 00940'97).

25 (b) Senate Bill No. _____ or House Bill No. _____
26 (request no. 00940'97 a).

1 (c) Senate Bill No. _____ or House Bill No. _____

2 (request no. 00941'97).