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Senate Bill 380 (Substitute S-4 as reported by the Committee of the Whole)
Sponsor: Senator Bill Bullard, Jr.
Committee: Judiciary

CONTENT

The bill would amend the Revised Judicature Act to prohibit a plaintiff from recovering damages based on certain claims against an entertainment forum or a shopping center. If a civil action against an entertainment forum or a shopping center were based on false imprisonment, wrongful ejection, unlawful arrest, assault, battery, libel, slander, or a similar cause of action, were based on the conduct of an individual who violated the terms for admission to an entertainment forum, or were based on the conduct of an individual who created a nuisance at an entertainment forum or a shopping center, the plaintiff could not recover damages if the forum or center had reasonable cause to believe that the individual violated the terms for admission or created a nuisance. These provisions would not apply if, in light of the circumstances, the entertainment forum or shopping center used excessive force against the individual or detained him or her for an unreasonable length of time.

"Entertainment forum" would mean an arena; theater, including a theater with one or more auditoriums; circus; athletic grounds; or other place of public entertainment, with an aggregate seating capacity of at least 200. "Shopping center" would mean commercial property for which a single lessor had executed two or more leases to people engaged in the sale of goods or services, and for which there was a common parking area. The terms would include an owner, lessee, manager, operator, or agent of an entertainment forum or shopping center, or an independent contractor providing security to an entertainment forum or shopping center.

"Violated the terms for admission" would mean that an individual admitted to an entertainment forum engaged in conduct that would constitute a misdemeanor or felony; physically harmed or threatened physical harm to the entertainment forum or an individual; significantly interfered with the right of others to view or hear the performance at the entertainment forum; violated a published or announced rule of the entertainment forum; or refused to remain in the seat or location designated on his or her ticket. "Created a nuisance" would mean that an individual engaged in conduct that would constitute a misdemeanor or felony; physically harmed or threatened physical harm to an individual or property; significantly interfered with the right of others to view or hear the performance at an entertainment forum or to participate in activities at a shopping center; or violated a published or announced rule of the entertainment forum or shopping center of which the individual knew or should have known. Engaging in lawful picketing or other labor activity or lawfully exercising constitutional free speech rights would not constitute violating the terms of admission or creating a nuisance.

Proposed MCL 600.2973 & 600.2974

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 3-20-02

Fiscal Analyst: Bill Bowerman