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Senate Bill 380 (as introduced 4-17-01)
Sponsor: Senator Bill Bullard, Jr.
Committee: Judiciary

Date Completed: 2-26-02

CONTENT

The bill would amend the Revised Judicature Act (RJA) to do all of the following:

- Prohibit a plaintiff in a civil action from recovering damages against an entertainment forum based on certain claims, if the forum had probable cause to believe that the individual violated the terms for admission to the entertainment forum.**
- Specify that an entertainment forum would not be liable for damages for an injury caused by a criminal act on the premises of the forum.**
- Prohibit a plaintiff in a civil action from recovering damages against a shopping center based on certain claims, if the shopping center had probable cause to believe that the individual created a nuisance in the shopping center.**
- Specify that, if either the entertainment forum provision or the shopping center provision conflicted with another section of the RJA, the bill's provision would apply.**

Entertainment Forums

Under the bill, if a civil action for damages against an entertainment forum were based on false imprisonment, wrongful ejection, unlawful arrest, assault, battery, libel, slander, or a similar cause of action, or were based on the conduct of an individual who violated the terms for admission to the entertainment forum, the plaintiff could not recover damages of any kind if the entertainment forum had probable cause to believe, and did believe, that the individual violated the terms for admission to the entertainment forum.

This provision would not apply, however, if the entertainment forum used unreasonable force against the individual, detained him or her for an unreasonable length of time in light of the circumstances, or acted with intent to injure the individual.

In addition, an entertainment forum would not be liable for damages of any kind for injury caused by a criminal act of another person, on the premises of the entertainment forum, if both of the following were shown:

- An employee or agent of the entertainment forum did not commit the criminal act that caused the injury.
- Law enforcement officers from a law enforcement agency with jurisdiction over the location of the entertainment forum were present on or around the premises to respond to complaints of criminal activity.

The bill states that, if a provision of the section limiting the liability of an entertainment forum conflicted with another section of the RJA, the bill would control. Otherwise, the RJA would apply to a civil action described in the bill.

"Entertainment forum" would mean an arena, theater, circus, athletic grounds used for an athletic event or other form of public entertainment, or other place of public entertainment, with a seating capacity of at least 200. The term would include an owner, lessee, manager, or operator of an entertainment forum, an agent of an entertainment forum, or an independent contractor providing security for an entertainment forum.

"Violated the terms for admission" would mean that an individual admitted to an entertainment forum did one or more of the following:

- Engaged in a criminal act.
- Physically harmed or threatened physical harm to the entertainment forum or another individual admitted to it.
- Created a public disturbance.
- Violated a published or announced rule of the entertainment forum.
- If the individual's admission ticket designated a specific seat or seating location, refused to remain in his or her designated seat or seating location after the entertainment forum requested that he or she remain in that seat or location.

Shopping Centers

Under the bill, if a civil action for damages against a shopping center were based on false imprisonment, wrongful ejection, unlawful arrest, assault, battery, libel, slander, or a similar cause of action, or were based on the conduct of an individual who created a nuisance in the shopping center, the plaintiff could not recover damages of any kind if the shopping center had probable cause to believe, and did believe, that the individual created a nuisance in the shopping center.

This provision would not apply, however, if the shopping center used unreasonable force against the individual, detained him or her for an unreasonable length of time in light of the circumstances, or acted with the intent to injure the individual.

The bill states that, if a provision of the section limiting the liability of a shopping center conflicted with another section of the RJA, the bill would control. Otherwise, the RJA would apply to a civil action described in the bill.

"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 term would include an owner, lessee, manager, or operator of a shopping center, an agent of a shopping center, or an independent contractor providing security for a shopping center.

"Created a nuisance" would mean that an individual did one or more of the following at a shopping center:

- Engaged in a criminal act.
- Physically harmed or threatened physical harm to an individual or property at the shopping center.
- Created a public disturbance.
- Violated a published or announced rule of the shopping center.

Proposed MCL 600.2972 & 600.2973

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

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

Fiscal Analyst: Bill Bowerman