

**SUBSTITUTE FOR
SENATE BILL NO. 380**

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9948) by adding sections 2973 and 2974.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 2973. (1) IF A CIVIL ACTION FOR DAMAGES AGAINST AN
2 ENTERTAINMENT FORUM IS BASED ON FALSE IMPRISONMENT, WRONGFUL
3 EJECTION, UNLAWFUL ARREST, ASSAULT, BATTERY, LIBEL, OR SLANDER,
4 OR A SUBSTANTIALLY SIMILAR CAUSE OF ACTION, IS BASED ON THE CON-
5 DUCT OF AN INDIVIDUAL WHO VIOLATED THE TERMS FOR ADMISSION TO THE
6 ENTERTAINMENT FORUM, OR IS BASED ON THE CONDUCT OF AN INDIVIDUAL
7 WHO CREATED A NUISANCE AT THE ENTERTAINMENT FORUM, THE PLAINTIFF
8 CANNOT RECOVER DAMAGES OF ANY KIND IF THE ENTERTAINMENT FORUM HAD
9 REASONABLE CAUSE TO BELIEVE AND DID BELIEVE THAT THE INDIVIDUAL
10 VIOLATED THE TERMS FOR ADMISSION TO THE ENTERTAINMENT FORUM OR
11 CREATED A NUISANCE AT THE ENTERTAINMENT FORUM. THIS SUBSECTION

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1 DOES NOT APPLY IF THE ENTERTAINMENT FORUM USED EXCESSIVE FORCE
2 AGAINST THE INDIVIDUAL IN LIGHT OF THE CIRCUMSTANCES OR DETAINED
3 THE INDIVIDUAL FOR AN UNREASONABLE LENGTH OF TIME IN LIGHT OF THE
4 CIRCUMSTANCES.

5 (2) AS USED IN THIS SECTION:

6 (A) "CREATED A NUISANCE" MEANS THE INDIVIDUAL DID 1 OR MORE
7 OF THE FOLLOWING AT AN ENTERTAINMENT FORUM:

8 (i) ENGAGED IN CONDUCT THAT IF COMMITTED BY AN ADULT WOULD
9 CONSTITUTE A MISDEMEANOR OR A FELONY IN THIS STATE.

10 (ii) PHYSICALLY HARMED OR THREATENED TO PHYSICALLY HARM AN
11 INDIVIDUAL OR PROPERTY AT THE ENTERTAINMENT FORUM.

12 (iii) ENGAGED IN CONDUCT THAT SIGNIFICANTLY INTERFERED WITH
13 THE RIGHT OF OTHER INDIVIDUALS TO VIEW OR HEAR THE PERFORMANCE AT
14 THE ENTERTAINMENT FORUM. AN INDIVIDUAL DOES NOT CREATE A NUI-
15 SANCE UNDER THIS SUBPARAGRAPH BY ENGAGING IN LAWFUL PICKETING OR
16 OTHER LABOR ACTIVITY OR THE LAWFUL EXERCISE OF CONSTITUTIONAL
17 FREE SPEECH RIGHTS AT AN ENTERTAINMENT FORUM.

18 (iv) VIOLATED A PUBLISHED OR ANNOUNCED RULE OF THE ENTER-
19 TAINMENT FORUM OF WHICH THE INDIVIDUAL KNEW OR SHOULD HAVE
20 KNOWN.

21 (B) "ENTERTAINMENT FORUM" MEANS AN ARENA, A THEATER, INCLUD-
22 ING A THEATER WITH 1 OR MORE AUDITORIUMS IN A SINGLE STRUCTURE
23 FOR WHICH THERE IS A COMMON PARKING AREA, A CIRCUS, ATHLETIC
24 GROUNDS USED FOR AN ATHLETIC EVENT OR OTHER FORM OF PUBLIC ENTER-
25 TAINMENT, OR ANY OTHER PLACE OF PUBLIC ENTERTAINMENT, WITH AN
26 AGGREGATE SEATING CAPACITY OF NOT LESS THAN 200. ENTERTAINMENT
27 FORUM INCLUDES AN OWNER, LESSEE, MANAGER, OR OPERATOR OF AN

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1 ENTERTAINMENT FORUM, AN AGENT OF AN ENTERTAINMENT FORUM, OR AN
2 INDEPENDENT CONTRACTOR PROVIDING SECURITY FOR AN ENTERTAINMENT
3 FORUM.

4 (C) "VIOLATED THE TERMS FOR ADMISSION" MEANS THE INDIVIDUAL
5 WHO WAS ADMITTED TO AN ENTERTAINMENT FORUM DID 1 OR MORE OF THE
6 FOLLOWING:

7 (i) ENGAGED IN CONDUCT THAT IF COMMITTED BY AN ADULT WOULD
8 CONSTITUTE A MISDEMEANOR OR A FELONY IN THIS STATE.

9 (ii) PHYSICALLY HARMED OR THREATENED TO PHYSICALLY HARM THE
10 ENTERTAINMENT FORUM OR ANOTHER INDIVIDUAL ADMITTED TO THE ENTER-
11 TAINMENT FORUM.

12 (iii) ENGAGED IN CONDUCT THAT SIGNIFICANTLY INTERFERED WITH
13 THE RIGHT OF OTHER INDIVIDUALS TO VIEW OR HEAR THE PERFORMANCE AT
14 THE ENTERTAINMENT FORUM. AN INDIVIDUAL DOES NOT VIOLATE THE
15 TERMS FOR ADMISSION UNDER THIS SUBPARAGRAPH BY ENGAGING IN LAWFUL
16 PICKETING OR OTHER LABOR ACTIVITY OR THE LAWFUL EXERCISE OF CON-
17 STITUTIONAL FREE SPEECH RIGHTS AT AN ENTERTAINMENT FORUM.

18 (iv) VIOLATED A PUBLISHED OR ANNOUNCED RULE OF THE ENTER-
19 TAINMENT FORUM OF WHICH THE INDIVIDUAL KNEW OR SHOULD HAVE
20 KNOWN.

21 (v) IF THE INDIVIDUAL'S ADMISSION TICKET TO THE ENTERTAIN-
22 MENT FORUM DESIGNATES A SPECIFIC SEAT OR SEATING LOCATION,
23 REFUSED TO REMAIN IN HIS OR HER DESIGNATED SEAT OR SEATING LOCA-
24 TION AFTER THE ENTERTAINMENT FORUM REQUESTED THAT THE INDIVIDUAL
25 REMAIN IN HIS OR HER DESIGNATED SEAT OR SEATING LOCATION.

26 SEC. 2974. (1) IF A CIVIL ACTION FOR DAMAGES AGAINST A
27 SHOPPING CENTER IS BASED ON FALSE IMPRISONMENT, WRONGFUL

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1 EJECTION, UNLAWFUL ARREST, ASSAULT, BATTERY, LIBEL, OR SLANDER,
2 OR A SIMILAR CAUSE OF ACTION, OR IS BASED ON THE CONDUCT OF AN
3 INDIVIDUAL WHO CREATED A NUISANCE IN THE SHOPPING CENTER, THE
4 PLAINTIFF CANNOT RECOVER DAMAGES OF ANY KIND IF THE SHOPPING
5 CENTER HAD REASONABLE CAUSE TO BELIEVE AND DID BELIEVE THAT THE
6 INDIVIDUAL CREATED A NUISANCE IN THE SHOPPING CENTER. THIS SUB-
7 SECTION DOES NOT APPLY IF THE SHOPPING CENTER USED EXCESSIVE
8 FORCE AGAINST THE INDIVIDUAL IN LIGHT OF THE CIRCUMSTANCES OR
9 DETAINED THE INDIVIDUAL FOR AN UNREASONABLE LENGTH OF TIME IN
10 LIGHT OF THE CIRCUMSTANCES.

11 (2) AS USED IN THIS SECTION:

12 (A) "CREATED A NUISANCE" MEANS THE INDIVIDUAL DID 1 OR MORE
13 OF THE FOLLOWING AT A SHOPPING CENTER:

14 (i) ENGAGED IN CONDUCT THAT IF COMMITTED BY AN ADULT WOULD
15 CONSTITUTE A MISDEMEANOR OR A FELONY IN THIS STATE.

16 (ii) PHYSICALLY HARMED OR THREATENED TO PHYSICALLY HARM AN
17 INDIVIDUAL OR PROPERTY AT THE SHOPPING CENTER.

18 (iii) ENGAGED IN CONDUCT THAT SIGNIFICANTLY INTERFERED WITH
19 THE RIGHT OF OTHER INDIVIDUALS TO PARTICIPATE IN ACTIVITIES AT
20 THE SHOPPING CENTER. AN INDIVIDUAL DOES NOT CREATE A NUISANCE
21 UNDER THIS SUBPARAGRAPH BY ENGAGING IN LAWFUL PICKETING OR OTHER
22 LABOR ACTIVITY OR THE LAWFUL EXERCISE OF CONSTITUTIONAL FREE
23 SPEECH RIGHTS AT A SHOPPING CENTER.

24 (iv) VIOLATED A PUBLISHED OR ANNOUNCED RULE OF THE SHOPPING
25 CENTER OF WHICH THE INDIVIDUAL KNEW OR SHOULD HAVE KNOWN.

26 (B) "SHOPPING CENTER" MEANS COMMERCIAL PROPERTY FOR WHICH A
27 SINGLE LESSOR HAS EXECUTED 2 OR MORE LEASES TO PERSONS ENGAGED IN

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1 THE SALE OF GOODS OR SERVICES, AND FOR WHICH THERE IS A COMMON
2 PARKING AREA. SHOPPING CENTER INCLUDES AN OWNER, LESSEE, MANAG-
3 ER, OR OPERATOR OF A SHOPPING CENTER, AN AGENT OF A SHOPPING
4 CENTER, OR AN INDEPENDENT CONTRACTOR PROVIDING SECURITY FOR A
5 SHOPPING CENTER.