

# SENATE BILL No. 380

April 17, 2001, Introduced by Senator BULLARD and referred to the Committee on Local, Urban and State Affairs.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," (MCL 600.101 to 600.9948) by adding sections 2972 and 2973.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1        SEC. 2972. (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 SIMILAR CAUSE OF ACTION, OR IS BASED ON THE CONDUCT OF AN  
5 INDIVIDUAL WHO VIOLATED THE TERMS FOR ADMISSION TO THE ENTERTAIN-  
6 MENT FORUM, THE PLAINTIFF CANNOT RECOVER DAMAGES OF ANY KIND IF  
7 THE ENTERTAINMENT FORUM HAD PROBABLE CAUSE TO BELIEVE AND DID  
8 BELIEVE THAT THE INDIVIDUAL VIOLATED THE TERMS FOR ADMISSION TO  
9 THE ENTERTAINMENT FORUM. THIS SUBSECTION DOES NOT APPLY IF THE  
10 ENTERTAINMENT FORUM USED UNREASONABLE FORCE AGAINST THE  
11 INDIVIDUAL, DETAINED THE INDIVIDUAL FOR AN UNREASONABLE LENGTH OF

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1 TIME IN LIGHT OF THE CIRCUMSTANCES, OR ACTED WITH INTENT TO  
2 INJURE THE INDIVIDUAL.

3 (2) AN ENTERTAINMENT FORUM IS NOT LIABLE FOR DAMAGES OF ANY  
4 KIND FOR INJURY CAUSED BY A CRIMINAL ACT OF ANOTHER PERSON ON THE  
5 PREMISES OF THE ENTERTAINMENT FORUM PROVIDED BOTH OF THE FOLLOW-  
6 ING ARE SHOWN:

7 (A) AN EMPLOYEE OR AGENT OF THE ENTERTAINMENT FORUM DID NOT  
8 COMMIT THE CRIMINAL ACT THAT CAUSED THE INJURY.

9 (B) LAW ENFORCEMENT OFFICERS FROM A LAW ENFORCEMENT AGENCY  
10 WITH JURISDICTION OVER THE ENTERTAINMENT FORUM LOCATION ARE  
11 PRESENT ON OR AROUND THE PREMISES TO RESPOND TO COMPLAINTS OF  
12 CRIMINAL ACTIVITY.

13 (3) IF A PROVISION OF THIS SECTION CONFLICTS WITH ANOTHER  
14 SECTION OF THIS ACT, THIS SECTION CONTROLS. OTHERWISE, THIS ACT  
15 APPLIES TO A CIVIL ACTION DESCRIBED IN THIS SECTION.

16 (4) AS USED IN THIS SECTION:

17 (A) "CRIMINAL ACT" MEANS A SERIES OF ACTIONS THAT, IF PROVEN  
18 IN A CRIMINAL PROSECUTION, WOULD RESULT IN A CONVICTION FOR A  
19 FELONY OR MISDEMEANOR.

20 (B) "ENTERTAINMENT FORUM" MEANS AN ARENA, THEATER, CIRCUS,  
21 ATHLETIC GROUNDS USED FOR AN ATHLETIC EVENT OR OTHER FORM OF  
22 PUBLIC ENTERTAINMENT, OR OTHER PLACE OF PUBLIC ENTERTAINMENT,  
23 WITH A SEATING CAPACITY OF NOT LESS THAN 200. ENTERTAINMENT  
24 FORUM INCLUDES AN OWNER, LESSEE, MANAGER, OR OPERATOR OF AN  
25 ENTERTAINMENT FORUM, AN AGENT OF AN ENTERTAINMENT FORUM, OR AN  
26 INDEPENDENT CONTRACTOR PROVIDING SECURITY FOR AN ENTERTAINMENT  
27 FORUM.

1 (C) "PLAINTIFF" MEANS AN INDIVIDUAL DESCRIBED IN SUBSECTION  
2 (1) OR A PERSON FILING A CIVIL ACTION ON BEHALF OF SUCH AN  
3 INDIVIDUAL.

4 (D) "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 A CRIMINAL ACT.

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

11 (iii) CREATED A PUBLIC DISTURBANCE.

12 (iv) VIOLATED A PUBLISHED OR ANNOUNCED RULE OF THE ENTER-  
13 TAINMENT FORUM.

14 (v) IF THE INDIVIDUAL'S ADMISSION TICKET TO THE ENTERTAIN-  
15 MENT FORUM DESIGNATES A SPECIFIC SEAT OR SEATING LOCATION,  
16 REFUSED TO REMAIN IN HIS OR HER DESIGNATED SEAT OR SEATING LOCA-  
17 TION AFTER THE ENTERTAINMENT FORUM REQUESTS THAT THE INDIVIDUAL  
18 REMAIN IN HIS OR HER DESIGNATED SEAT OR SEATING LOCATION.

19 SEC. 2973. (1) IF A CIVIL ACTION FOR DAMAGES AGAINST A  
20 SHOPPING CENTER IS BASED ON FALSE IMPRISONMENT, WRONGFUL EJECT-  
21 TION, UNLAWFUL ARREST, ASSAULT, BATTERY, LIBEL, OR SLANDER, OR A  
22 SIMILAR CAUSE OF ACTION, OR IS BASED ON THE CONDUCT OF AN INDI-  
23 VIDUAL WHO CREATED A NUISANCE IN THE SHOPPING CENTER, THE PLAIN-  
24 TIFF CANNOT RECOVER DAMAGES OF ANY KIND IF THE SHOPPING CENTER  
25 HAD PROBABLE CAUSE TO BELIEVE AND DID BELIEVE THAT THE INDIVIDUAL  
26 CREATED A NUISANCE IN THE SHOPPING CENTER. THIS SUBSECTION DOES  
27 NOT APPLY IF THE SHOPPING CENTER USED UNREASONABLE FORCE AGAINST

1 THE INDIVIDUAL, DETAINED THE INDIVIDUAL FOR AN UNREASONABLE  
2 LENGTH OF TIME IN LIGHT OF THE CIRCUMSTANCES, OR ACTED WITH  
3 INTENT TO INJURE THE INDIVIDUAL.

4 (2) IF A PROVISION OF THIS SECTION CONFLICTS WITH ANOTHER  
5 SECTION OF THIS ACT, THIS SECTION CONTROLS. OTHERWISE, THIS ACT  
6 APPLIES TO A CIVIL ACTION DESCRIBED IN THIS SECTION.

7 (3) AS USED IN THIS SECTION:

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

10 (i) ENGAGED IN A CRIMINAL ACT.

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

13 (iii) CREATED A PUBLIC DISTURBANCE.

14 (iv) VIOLATED A PUBLISHED OR ANNOUNCED RULE OF THE SHOPPING  
15 CENTER.

16 (B) "CRIMINAL ACT" MEANS A SERIES OF ACTIONS THAT, IF PROVEN  
17 IN A CRIMINAL PROSECUTION, WOULD RESULT IN A CONVICTION FOR A  
18 FELONY OR MISDEMEANOR.

19 (C) "PLAINTIFF" MEANS AN INDIVIDUAL DESCRIBED IN SUBSECTION  
20 (1) OR A PERSON FILING A CIVIL ACTION ON BEHALF OF SUCH AN  
21 INDIVIDUAL.

22 (D) "SHOPPING CENTER" MEANS COMMERCIAL PROPERTY FOR WHICH A  
23 SINGLE LESSOR HAS EXECUTED 2 OR MORE LEASES TO PERSONS ENGAGED IN  
24 THE SALE OF GOODS OR SERVICES, AND FOR WHICH THERE IS A COMMON  
25 PARKING AREA. SHOPPING CENTER INCLUDES AN OWNER, LESSEE, MANAG-  
26 ER, OR OPERATOR OF A SHOPPING CENTER, AN AGENT OF A SHOPPING

1 CENTER, OR AN INDEPENDENT CONTRACTOR PROVIDING SECURITY FOR A  
2 SHOPPING CENTER.