



Senate Fiscal Agency  
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## BILL ANALYSIS



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Senate Bill 3 (Substitute S-1 as reported)  
Sponsor: Senator Peter J. Lucido  
Committee: Judiciary and Public Safety

**CONTENT**

The bill would amend Chapter 57 (Summary Proceedings to Recover Possession of Premises) of the Revised Judicature Act to revise the list of individuals a court could command to restore a plaintiff to, and put the plaintiff in, full possession of a premises following a judgment for possession in a summary proceeding, and specify the procedure for removing occupants and personal property from the premises.

Under Chapter 57, a person entitled to premises may recover possession of the premises by summary proceedings under certain circumstances. If a jury or a judge finds that a plaintiff is entitled to possession of the premises, a judgment may be entered in accordance with that finding and may be enforced by a writ of restitution. Subject to certain time restrictions, a court entering a judgment for possession in a summary proceeding must issue a writ commanding a sheriff, or any other officer authorized to serve the process, to restore the plaintiff to, and put the plaintiff in, full possession of the premises.

Instead, the bill would require, subject to certain time restrictions, a court entering a judgment for possession in a summary proceeding to issue a writ commanding a court officer appointed by or a bailiff of the issuing court, the sheriff or a deputy sheriff of the county in which the issuing court was located, or an officer of the law enforcement agency of the local unit of government in which the issuing court was located to restore the plaintiff to and put the plaintiff in full, peaceful possession of the premises by removing all occupants and all personal property from the premises, and doing either of the following:

- Leaving the property in an area open to the public or in the public right-of-way.
- Delivering the property to the sheriff as he or she authorized.

Abandonment of the premises that was the subject of a writ and of any personal property on the premises would have to be determined by the officer, bailiff, sheriff, or deputy sheriff serving the writ.

MCL 600.5744

Legislative Analyst: Stephen Jackson

**FISCAL IMPACT**

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

Date Completed: 2-14-19

Fiscal Analyst: Michael Siracuse