

HOUSE BILL No. 5668

December 9, 2009, Introduced by Rep. Johnson and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 3801 (MCL 600.3801), as amended by 1988 PA 2.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3801. (1) ~~Any~~ **A** building, vehicle, boat, aircraft, or
2 place **IS A NUISANCE IF 1 OR MORE OF THE FOLLOWING APPLY:**

3 **(A) IT IS** used for the purpose of lewdness, assignation, or
4 prostitution or gambling. ~~, or~~

5 **(B) IT IS** used by, or kept for the use of, prostitutes or
6 other disorderly persons. ~~, or~~

7 **(C) IT IS** used for the unlawful manufacture, transporting,
8 sale, keeping for sale, bartering, or furnishing of ~~any~~ **A**
9 controlled substance. ~~as defined in section 7104 of the public~~

1 ~~health code, Act No. 368 of the Public Acts of 1978, being section~~
2 ~~333.7104 of the Michigan Compiled Laws, or~~

3 (D) IT IS USED FOR THE UNLAWFUL MANUFACTURE, TRANSPORTING,
4 SALE, KEEPING FOR SALE, BARTERING, OR FURNISHING of ~~any~~ vinous,
5 malt, brewed, fermented, spirituous, or intoxicating liquors or ~~any~~
6 mixed liquors or beverages, any part of which is intoxicating. ~~, is~~
7 ~~declared a nuisance, and the~~

8 (E) IT IS USED FOR CONDUCT PROHIBITED BY SECTION 49 OF THE
9 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.49.

10 (2) ALL furniture, fixtures, and contents of ~~the~~ **A** building,
11 vehicle, boat, aircraft, or place **DESCRIBED IN SUBSECTION (1)** and
12 all intoxicating liquors ~~therein~~ **IN THE BUILDING, VEHICLE, BOAT,**
13 **AIRCRAFT, OR PLACE** are also declared a nuisance. ~~, and all~~

14 (3) ALL controlled substances and nuisances shall be enjoined
15 and abated as provided in this act and ~~as provided in the court~~
16 ~~rules.~~ ~~Any~~

17 (4) **A** person, or ~~his or her~~ **A** servant, agent, or employee **OF**
18 **THE PERSON**, who owns, leases, conducts, or maintains ~~any~~ **A**
19 building, vehicle, or place ~~used for any of the purposes or acts~~
20 ~~set forth in this section~~ **DESCRIBED IN SUBSECTION (1)** is guilty of
21 a nuisance.

22 (5) AS USED IN THIS SECTION, "CONTROLLED SUBSTANCE" MEANS THAT
23 TERM AS DEFINED IN SECTION 7104 OF THE PUBLIC HEALTH CODE, 1978 PA
24 368, MCL 333.7104.