

# HOUSE BILL NO. 5849

June 25, 2024, Introduced by Reps. Mentzer, Breen, Brenda Carter, Hope, Rheingans, Koleszar, Weiss, Hill, Glanville, Xiong, Conlin, Steckloff, Pohutsky, Fitzgerald, Byrnes, Rogers, Coffia, McFall and Witwer 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 2014 PA 387.

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

1           Sec. 3801. (1) A building, vehicle, boat, aircraft, or place  
2 is a nuisance if 1 or more of the following apply:

3           (a) It is used for the purpose of lewdness, assignation,  
4 ~~prostitution,~~ **commercial sexual activity**, or gambling.

5           (b) It is used by, or kept for the use of, ~~prostitutes~~ **persons**  
6 **who provide or offer to provide commercial sexual activity** or other

1 disorderly persons.

2 (c) It is used for the unlawful manufacture, transporting,  
3 sale, keeping for sale, bartering, or furnishing of a controlled  
4 substance.

5 (d) It is used for the unlawful manufacture, transporting,  
6 sale, keeping for sale, bartering, or furnishing of vinous, malt,  
7 brewed, fermented, spirituous, or intoxicating liquors or mixed  
8 liquors or beverages, any part of which is intoxicating.

9 (e) It is used for conduct prohibited by section 49 of the  
10 Michigan penal code, 1931 PA 328, MCL 750.49.

11 (f) It is used for conduct prohibited by chapter LXVIIA of the  
12 Michigan penal code, 1931 PA 328, MCL 750.462a to 750.462h.

13 (g) It is used to facilitate armed violence in connection with  
14 the unlawful use of a firearm or other dangerous weapon.

15 (2) All furniture, fixtures, and contents of a building,  
16 vehicle, boat, aircraft, or place described in subsection (1) and  
17 all intoxicating liquors in the building, vehicle, boat, aircraft,  
18 or place are also declared a nuisance.

19 (3) All controlled substances and nuisances ~~shall~~**must** be  
20 enjoined and abated as provided in this act and the court rules.

21 (4) A person, or a servant, agent, or employee of the person,  
22 who owns, leases, conducts, or maintains a building, vehicle, or  
23 place described in subsection (1) is guilty of a nuisance.

24 (5) As used in this section, "controlled substance" means that  
25 term as defined in section 7104 of the public health code, 1978 PA  
26 368, MCL 333.7104.

27 Enacting section 1. This amendatory act takes effect 90 days  
28 after the date it is enacted into law.

29 Enacting section 2. This amendatory act does not take effect

- 1 unless Senate Bill No.\_\_\_\_ or House Bill No. 5841 (request no.
- 2 04081'23) of the 102nd Legislature is enacted into law.