

HOUSE BILL No. 6150

September 30, 1992, Introduced by Reps. Perry Bullard, Berman, Hollister, Johnson, Gubow, Gire, Martin, Dobb, Gilmer, Murphy, Jondahl, Dobronski, Wallace, Stallworth, Byrum, Profit, Varga, Harrison, Emerson, Munsell, Dolan, Bobier and Barns and referred to the Committee on Judiciary.

A bill to amend Act No. 236 of the Public Acts of 1961,
entitled as amended

"Revised judicature act of 1961,"

as amended, being sections 600.101 to 600.9947 of the Michigan
Compiled Laws, by adding section 2954.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 236 of the Public Acts of 1961, as
2 amended, being sections 600.101 to 600.9947 of the Michigan
3 Compiled Laws, is amended by adding section 2954 to read as
4 follows:

5 SEC. 2954. (1) EXCEPT AS PROVIDED IN SUBSECTION (6), A
6 PERSON SHALL NOT DO ANY OF THE FOLLOWING:

7 (A) ACT OR ATTEMPT TO ACT TO PHYSICALLY RESTRAIN A PERSON
8 FROM ENTERING, EXITING, OR OCCUPYING A HEALTH FACILITY OR
9 AGENCY.

1 (B) BLOCK OR OBSTRUCT AN ENTRANCE OR EXIT TO A HEALTH
2 FACILITY OR AGENCY, OR INTERFERE WITH A PERSON'S ABILITY TO LAW-
3 FULLY ENTER, EXIT, OR OCCUPY A HEALTH FACILITY OR AGENCY.

4 (C) AID ANOTHER PERSON IN VIOLATING OR ATTEMPTING TO VIOLATE
5 THIS SECTION.

6 (2) THE ATTORNEY GENERAL, A PROSECUTING ATTORNEY, OR A
7 PERSON AGGRIEVED BY A VIOLATION OF THIS SECTION MAY BRING A CIVIL
8 ACTION AGAINST THE PERSON WHO VIOLATES THIS SECTION FOR 1 OR MORE
9 OF THE FOLLOWING:

10 (A) AN ORDER ENJOINING CONDUCT THAT VIOLATES THIS SECTION.

11 (B) THE GREATER OF EITHER OF THE FOLLOWING:

12 (i) TREBLE DAMAGES.

13 (ii) EXEMPLARY DAMAGES IN THE AMOUNT OF \$5,000.00 FOR EACH
14 VIOLATION.

15 (C) COSTS AND REASONABLE ATTORNEY FEES.

16 (3) A COURT MAY ORDER A PERSON WHO VIOLATES THIS SECTION TO
17 REIMBURSE THE STATE OR A LOCAL UNIT OF GOVERNMENT THAT RESPONDS
18 TO THE VIOLATION FOR THE FOLLOWING EXPENSES:

19 (A) THE SALARIES OR WAGES, INCLUDING OVERTIME PAY, OF LAW
20 ENFORCEMENT PERSONNEL FOR TIME SPENT RESPONDING TO THE
21 VIOLATION.

22 (B) THE SALARIES, WAGES, OR OTHER COMPENSATION, INCLUDING
23 OVERTIME PAY, OF FIRE FIGHTERS AND EMERGENCY MEDICAL SERVICE PER-
24 SONNEL, INCLUDING VOLUNTEER FIRE FIGHTERS AND MEDICAL SERVICE
25 PERSONNEL, FOR TIME SPENT IN RESPONDING TO THE VIOLATION.

26 (4) UNLESS OTHERWISE ORDERED BY THE COURT, A PERSON REQUIRED
27 TO PROVIDE THE REIMBURSEMENT DESCRIBED IN SUBSECTION (3) SHALL

1 IMMEDIATELY PAY THE REIMBURSEMENT AMOUNT TO THE CLERK OF THE
2 COURT, WHO SHALL TRANSMIT THE APPROPRIATE AMOUNT TO THE UNIT OR
3 UNITS OF GOVERNMENT NAMED IN THE ORDER TO RECEIVE REIMBURSEMENT.
4 IF THE COURT SPECIFIES THAT IMMEDIATE PAYMENT IS NOT REQUIRED,
5 THE REIMBURSEMENT ORDER SHALL IDENTIFY THE TIME PERIOD WITHIN
6 WHICH PAYMENT IS TO BE MADE, AND MAY PROVIDE FOR PAYMENT IN SPEC-
7 IFIED INSTALLMENTS.

8 (5) LIABILITY FOR PAYMENT OF DAMAGES, COSTS, FEES, AND REIM-
9 BURSEMENT UNDER THIS SECTION IS JOINT AND SEVERAL. A SEPARATE
10 VIOLATION OF THIS SECTION OCCURS EACH DAY OF A VIOLATION.

11 (6) THIS SECTION DOES NOT APPLY TO EITHER OF THE FOLLOWING:

12 (A) A STATE OR LOCAL UNIT OF GOVERNMENT ACTING TO PROTECT
13 PUBLIC HEALTH OR SAFETY.

14 (B) THE DEPARTMENT OF PUBLIC HEALTH ACTING UNDER ARTICLE 17
15 OF THE PUBLIC HEALTH CODE, ACT NO. 368 OF THE PUBLIC ACTS OF
16 1978, BEING SECTIONS 333.20101 TO 333.22260 OF THE MICHIGAN
17 COMPILED LAWS.

18 (7) AS USED IN THIS SECTION:

19 (A) "DAMAGES" INCLUDES, BUT IS NOT LIMITED TO, COMPENSATION
20 FOR PAIN, SUFFERING, AND EMOTIONAL DISTRESS.

21 (B) "HEALTH FACILITY OR AGENCY" MEANS THAT TERM AS DEFINED
22 IN SECTION 20106 OF THE PUBLIC HEALTH CODE, ACT NO. 368 OF THE
23 PUBLIC ACTS OF 1978, BEING SECTION 333.20106 OF THE MICHIGAN
24 COMPILED LAWS.