

Act No. 31
Public Acts of 1994
Approved by the Governor
March 2, 1994
Filed with the Secretary of State
March 3, 1994

**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1994**

Introduced by Senator Dillingham

ENROLLED SENATE BILL No. 154

AN ACT to amend Act No 328 of the Public Acts of 1931 entitled as amended An act to revise consolidate codify and add to the statutes relating to crimes to define crimes and prescribe the penalties therefor to provide for restitution under certain circumstances to provide for the competency of evidence at the trial of persons accused of crime to provide immunity from prosecution for certain witnesses appearing at such trials and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act as amended being sections 750 1 to 750 568 of the Michigan Compiled Laws by adding section 141a

The People of the State of Michigan enact

Section 1 Act No 328 of the Public Acts of 1931 as amended being sections 750 1 to 750 568 of the Michigan Compiled Laws is amended by adding section 141a to read as follows

Sec 141a (1) As used in this section

(a) Alcoholic beverage means an alcoholic liquor as defined in section 2 of the Michigan liquor control act Act No 8 of the Public Acts of the Extra Session of 1933 being section 436 2 of the Michigan Compiled Laws

(b) Allow means to give permission for or approval of possession or consumption of an alcoholic beverage or a controlled substance by any of the following means

(i) In writing

(ii) By 1 or more oral statements

(iii) By any form of conduct including a failure to take corrective action that would cause a reasonable person to believe that permission or approval has been given

(c) Control over any premises residence or other real property means the authority to regulate direct restrain superintend control or govern the conduct of other individuals on or within that premises residence or other real property and includes but is not limited to a possessory right

(d) Controlled substance means that term as defined in section 7104 of the public health code Act No 368 of the Public Acts of 1978 being section 333 7104 of the Michigan Compiled Laws

(e) Corrective action means any of the following

(i) Making a prompt demand that the minor or other individual depart from the premises residence or other real property or refrain from the unlawful possession or consumption of the alcoholic beverage or controlled substance on or within that premises residence or other real property and taking additional action described in subparagraph (ii) or (iii) if the minor or other individual does not comply with the request

(ii) Making a prompt report of the unlawful possession or consumption of alcoholic liquor or a controlled substance to a law enforcement agency having jurisdiction over the violation

(iii) Making a prompt report of the unlawful possession or consumption of alcoholic liquor or a controlled substance to another person having a greater degree of authority or control over the conduct of persons on or within the premises residence or other real property

(f) Minor means an individual less than 21 years of age

(g) Premises means a permanent or temporary place of assembly other than a residence including but not limited to any of the following

(i) A meeting hall meeting room or conference room

(ii) A public or private park

(h) Residence means a permanent or temporary place of dwelling including but not limited to any of the following

(i) A house apartment condominium or mobile home

(ii) A cottage cabin trailer or tent

(iii) A motel unit hotel unit or bed and breakfast unit

(i) Social gathering' means an assembly of 2 or more individuals for any purpose unless all of the individuals attending the assembly are members of the same household or immediate family

(2) Except as otherwise provided in subsection (3) an owner tenant or other person having control over any premises residence or other real property shall not do either of the following

(a) Knowingly allow a minor to consume or possess an alcoholic beverage at a social gathering on or within that premises residence or other real property

(b) Knowingly allow any individual to consume or possess a controlled substance at a social gathering on or within that premises residence or other real property

(3) This section does not apply to the use consumption or possession of a controlled substance by an individual pursuant to a lawful prescription or to the use consumption or possession of an alcoholic beverage by a minor for religious purposes

(4) Except as provided in subsection (5) a person who violates subsection (2) is guilty of a misdemeanor punishable by imprisonment for not more than 30 days or by a fine of not more than \$1 000 00 or both

(5) For a second or subsequent violation of subsection (2) the person is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or by a fine of not more than \$1 000 00 or both

(6) Evidence of all of the following gives rise to a rebuttable presumption that the defendant allowed the consumption or possession of an alcoholic beverage or a controlled substance on or within a premises residence or other real property in violation of this section

(a) The defendant had control over the premises residence or other real property

(b) The defendant knew that a minor was consuming or in possession of an alcoholic beverage or knew that an individual was consuming or in possession of a controlled substance at a social gathering on or within that premises residence or other real property

(c) The defendant failed to take corrective action

(7) This section does not authorize selling or furnishing an alcoholic beverage to a minor

(8) A criminal penalty provided for under this section may be imposed in addition to any penalty that may be imposed for any other criminal offense arising from the same conduct

Section 2 This amendatory act shall take effect on June 1 1994

This act is ordered to take immediate effect

Secretary of the Senate

Co Clerk of the House of Representatives

Approved

Governor