



# HOUSE BILL No. 4618

April 20, 1993, Introduced by Reps. Berman, Harrison, Emerson, Yokich, Rivers, Johnson, Jondahl, Gire, Gilmer, Martin, Bankes, Barns, Kilpatrick, Schroer, Dolan, Bobier, Dobb, Munsell, Profit, Brown, Stallworth, Dobronski, Hollister, Hood, Points, Joe Young, Jr., Byrum, Wallace, Freeman, Murphy, Leland, Gubow, Pitoniak, Crissman, Clack, Agee, Bennane, Fitzgerald, Galloway and Vorva and referred to the Committee on Civil Rights and Women's Issues.

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 2955.

## 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 2955 to read as  
4 follows:

5 SEC. 2955. (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.

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

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 A STATE OR LOCAL UNIT OF  
12 GOVERNMENT ACTING WITHIN ITS STATUTORY OR CONSTITUTIONAL AUTHOR-  
13 ITY TO PROTECT PUBLIC HEALTH OR SAFETY.

14 (7) AS USED IN THIS SECTION:

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

17 (B) "HEALTH FACILITY" MEANS EACH OF THE FOLLOWING:

18 (i) A HEALTH FACILITY OR AGENCY AS THAT TERM IS DEFINED IN  
19 SECTION 20106 OF THE PUBLIC HEALTH CODE, ACT NO. 368 OF THE  
20 PUBLIC ACTS OF 1978, BEING SECTION 333.20106 OF THE MICHIGAN  
21 COMPILED LAWS.

22 (ii) PREMISES ON WHICH A PERSON LAWFULLY PROVIDES OR OFFERS  
23 TO PROVIDE COUNSELING, MEDICAL INFORMATION, PHARMACEUTICAL SERV-  
24 ICES, OR MEDICAL SERVICES TO MEMBERS OF THE GENERAL PUBLIC.