

# HOUSE BILL No. 4360

March 2, 1999, Introduced by Reps. Schermesser, Hale and DeHart and referred to the Committee on Family and Civil Law.

A bill to provide for actions on behalf of the people of the state for damages caused by unlawful burning; and to provide for remedies and sanctions.

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

1       Sec. 1. (1) Any person may maintain an action under this  
2 act on behalf of the people of the state against any person,  
3 partnership, corporation, association, or other legal entity for  
4 damages caused by the defendant's actions in burning any property  
5 or material unlawfully.

6       (2) Ownership of the property or material burned unlawfully  
7 is not a defense to an action under this act.

8       (3) As used in this act, "unlawfully" means contrary to an  
9 applicable statute, rule, ordinance, or permit.

1       Sec. 2. An action under this act shall be brought in the  
2 circuit court having jurisdiction where the alleged unlawful  
3 burning occurred.

4       Sec. 3. (1) If the court determines that a defendant burned  
5 any property or material unlawfully, the court shall enter a  
6 judgment against the defendant providing for all of the  
7 following:

8       (a) An award of damages in favor of the people of the state,  
9 as determined from the evidence presented.

10       (b) An award to the person maintaining the action of his or  
11 her attorney fees and costs expended in maintaining the action.

12       (c) Imposition of a civil fine on the defendant of not less  
13 than \$100.00 or not more than \$1,000.00.

14       (2) In satisfaction of a judgment awarded under subsection  
15 (1), priority is given to the award of attorney fees and costs  
16 under subsection (1)(b).

17       Sec. 4. This act is supplementary to existing civil reme-  
18 dies and administrative and regulatory procedures provided by  
19 law.