

Legislative Analysis



ALLOW PLACES USED FOR ANIMAL FIGHTING TO BE DECLARED A NUISANCE

Mary Ann Cleary, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5789

Sponsor: Rep. Andrea LaFontaine

Committee: Judiciary

Complete to 9-26-12

A REVISED SUMMARY OF HOUSE BILL 5789 AS INTRODUCED 7-18-12

The bill would amend Chapter 38 (Public Nuisances) of the Revised Judicature Act to allow for a building, vehicle, boat, aircraft, or place used for animal fighting to be declared a nuisance.

Specifically, the bill would amend the section that declares places to be a nuisance if certain conduct takes place on the premises, such as prostitution, controlled substance activity, or certain activities involving alcohol. The bill would add violations of animal fighting under Section 49 of the Michigan Penal Code to that list. The bill would also define "controlled substance" to mean that term as defined in the Public Health Code (MCL 333.7104).

(Under current law, personal property contained in or around the structure or premises that is declared a nuisance is subject to removal and sale, as provided for in Chapter 38 of the Revised Judicature Act. The chapter provides a means by which the owner of the real property can reclaim that property.)

MCL 600.3801

FISCAL IMPACT:

The bill would allow for properties involved in animal fighting to be declared a nuisance, allowing for the removal and sale of any personal property inside the building or place. This may result in higher costs due to an increase in caseload for local courts, as well as costs associated with storing seized personal property. These costs would either be offset by fines paid by the owner of the property declared a nuisance, or by the sale of any seized personal property. Any additional revenue generated from the sale of such personal property would be paid to the state General Fund.

Legislative Analyst: Jeff Stoutenburg
Fiscal Analyst: Erik Jonasson

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.