



Senate Fiscal Agency
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BILL



ANALYSIS

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House Bill 5789 (as passed by the House)
Sponsor: Representative Andrea LaFontaine
House Committee: Judiciary

CONTENT

The bill would amend the Revised Judicature Act to provide that a building, vehicle, boat, aircraft, or place used in violation of Section 49 of the Michigan Penal Code (which prohibits animal fighting) would be a nuisance.

The Act requires all nuisances to be enjoined and abated. The Attorney General, the prosecuting attorney, or any resident of the county may maintain an action for equitable relief in the name of the State to abate a nuisance and to permanently enjoin any person who owns, leases, conducts, or maintains a nuisance from permitting it be used for prohibited purposes or acts.

An order of abatement must direct all furniture, fixtures, and contents to be removed from the building or place and sold. The order also must direct the effectual closing of the building or place for any purpose for one year, unless released sooner under the Act.

Proceeds from the sale of nuisance items must be credited to the General Fund after the deduction of the costs of storing and selling the property and the payment of liens.

MCL 600.3801

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

By allowing for properties hosting animal fighting to be declared a nuisance, the bill could result in added administrative costs for local courts due to processes associated with seizure of personal property. However, these costs could be partly or wholly offset due to the sale of seized property and/or the payment of fines by the owner of the property. To the extent that revenue from the sale of the personal property exceeded local administrative costs, additional revenue would be distributed to the State's General Fund.

Date Completed: 11-28-12

Fiscal Analyst: Dan O'Connor