



Senate Fiscal Agency
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House Bill 5230 (Substitute H-3 as passed by the House)
Sponsor: Representative Phil M. Cavanagh
House Committee: Criminal Justice

CONTENT

The bill would amend the Revised Judicature Act to do the following:

- Specify that a building, vehicle, boat, aircraft, or place would be a nuisance if it were used for conduct prohibited by Chapter 67A (Human Trafficking) of the Michigan Penal Code, or used to facilitate armed violence in connection with the unlawful use of a firearm or other dangerous weapon.
- Allow the attorney for the city, village, or township in which a nuisance was located (in addition to the Attorney General, the prosecuting attorney, and a resident of the county) to bring an action to abate the nuisance.
- Provide that a court would not have to find that the property involved was being used as a nuisance at the time of the hearing, if the complaint were filed within 90 days (rather than 30 as currently provided) after any act, any violation, or the existence of a condition described as a nuisance.
- Increase the fine for contempt, for the violation of an abatement order or injunction, from \$1,000 to \$5,000.
- Specify that an injunction granted in an abatement action would be binding on the defendant throughout the State.
- Allow, rather than require, the court to order the removal or sale of any fixtures, furniture, and contents of property declared a nuisance, and allow the court to include any other equitable relief it considered necessary in an order of abatement.
- Require any amount due to a victim to be paid first from the proceeds of a sale of any furniture, fixtures, contents, vehicle, boat, or aircraft, if the property had been used for human trafficking.
- Require payment of the costs of prosecuting an abatement action, from the proceeds of a sale, after the expenses of maintaining the property were deducted, payments due to secured parties or lien holders were made, and payments to a victim were made.

The bill would take effect 90 days after its enactment.

MCL 600.3801 et al.

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill would have no fiscal impact on State government. The higher fine could increase revenue collected from convictions, and this revenue would be directed to local public libraries.

Date Completed: 12-1-14

Fiscal Analyst: John Maxwell