

HOUSE BILL No. 4612

March 21, 1991, Introduced by Reps. Palamara, Profit, DeMars, Olshove, Berman, Hertel, Dobronski, Sparks, Law, Porreca, DeBeaussiaert, Pitoniak and Richard A. Young and referred to the Committee on Tourism, Fisheries and Wildlife.

A bill to amend the title of Act No. 328 of the Public Acts of 1931, entitled

"The Michigan penal code,"

as amended, being sections 750.1 to 750.568 of the Michigan Compiled Laws; and to add section 411f.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title of Act No. 328 of the Public Acts of
2 1931, as amended, being sections 750.1 to 750.568 of the Michigan
3 Compiled Laws, is amended and section 411f is added to read as
4 follows:

TITLE

5
6 An act to revise, consolidate, codify and add to the stat-
7 utes relating to crimes; to define crimes and prescribe the
8 penalties therefor; TO PROVIDE FOR RESTITUTION UNDER CERTAIN
9 CIRCUMSTANCES; to provide for the competency of evidence at the

1 trial of persons accused of crime; to provide immunity from
2 prosecution for certain witnesses appearing at such trials; and
3 to repeal certain acts and parts of acts inconsistent with or
4 contravening any of the provisions of this act.

5 SEC. 411F. (1) AS USED IN THIS SECTION:

6 (A) "BED AND BREAKFAST" MEANS THAT TERM AS DEFINED IN SEC-
7 TION 12901 OF THE PUBLIC HEALTH CODE, ACT NO. 368 OF THE PUBLIC
8 ACTS OF 1978, BEING SECTION 333.12901 OF THE MICHIGAN COMPILED
9 LAWS.

10 (B) "HOTEL" MEANS THAT TERM AS DEFINED IN SECTION 1 OF ACT
11 NO. 188 OF THE PUBLIC ACTS OF 1913, BEING SECTION 427.1 OF THE
12 MICHIGAN COMPILED LAWS.

13 (2) AN INDIVIDUAL OR GROUP THAT RENTS OR LEASES A HOTEL ROOM
14 OR A BED AND BREAKFAST ROOM FOR ONESELF OR ANOTHER INDIVIDUAL
15 UNDER CIRCUMSTANCES WHERE EITHER INDIVIDUAL DOES 1 OR MORE OF THE
16 FOLLOWING, OR 1 INDIVIDUAL HAS REASON TO KNOW THAT THE OTHER
17 INDIVIDUAL WILL DO 1 OR MORE OF THE FOLLOWING, IS GUILTY OF A
18 MISDEMEANOR, PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90
19 DAYS, COMMUNITY SERVICE, OR BY A FINE OF NOT MORE THAN \$500.00,
20 OR A COMBINATION OF ANY OF THESE PUNISHMENTS:

21 (A) USES OR POSSESSES A CONTROLLED SUBSTANCE IN VIOLATION OF
22 SECTION 7403 OR 7404 OF THE PUBLIC HEALTH CODE, ACT NO. 368 OF
23 THE PUBLIC ACTS OF 1978, BEING SECTIONS 333.7403 AND 333.7404 OF
24 THE MICHIGAN COMPILED LAWS, OR A LOCAL ORDINANCE SUBSTANTIALLY
25 SIMILAR TO THOSE SECTIONS.

26 (B) CONSUMES OR POSSESSES ALCOHOLIC LIQUOR IN VIOLATION OF
27 SECTION 33B OF THE MICHIGAN LIQUOR CONTROL ACT, ACT NO. 8 OF THE

1 PUBLIC ACTS OF THE EXTRA SESSION OF 1933, BEING SECTION 436.33B
2 OF THE MICHIGAN COMPILED LAWS, OR A LOCAL ORDINANCE SUBSTANTIALLY
3 SIMILAR TO THAT SECTION.

4 (C) COMMITS A VIOLATION OF THIS ACT RESULTING IN DAMAGE TO
5 THE ROOM OR ITS FURNISHINGS.

6 (3) IN A CASE INVOLVING DAMAGE TO THE ROOM, A COURT MAY
7 ORDER THE INDIVIDUAL TO PAY RESTITUTION WHICH MAY INCLUDE THE
8 REASONABLE LOSS OF REVENUE RESULTING FROM THE INABILITY TO RENT
9 OR LEASE THE ROOM DURING THE PERIOD OF TIME THE ROOM IS BEING
10 REPAIRED.

11 (4) IN A CASE INVOLVING DAMAGE TO THE ROOM, THE COURT SHALL
12 DISMISS A CRIMINAL ACTION FOR VIOLATION OF THIS SECTION IF THE
13 DEFENDANT PAYS THE RESTITUTION ALLOWABLE UNDER THIS SECTION AS
14 DEMANDED BY THE OWNER OR OPERATOR OF THE HOTEL OR BED AND
15 BREAKFAST.

16 (5) THE OWNER OR OPERATOR OF THE HOTEL OR BED AND BREAKFAST
17 SHALL POST A COPY OF THIS SECTION IN A CONSPICUOUS PLACE ADJACENT
18 TO THE SITE OF REGISTRATION FOR A ROOM OR INSIDE THE ROOM.

19 (6) A LAW ENFORCEMENT AGENCY RECEIVING WRITTEN OR ORAL NOTI-
20 FICATION OF A VIOLATION OF THIS SECTION SHALL RESPOND TO THAT
21 NOTIFICATION.