



**House
Legislative
Analysis
Section**

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**PROHIBIT FALSE IMPRISONMENT
BY MERCHANTS**

House Bill 6081

Sponsor: Rep. Mary D. Waters

Committee: Civil Law and the Judiciary

Complete to 9-6-02

A SUMMARY OF HOUSE BILL 6081 AS INTRODUCED 5-14-02

House Bill 6081 would amend the Revised Judicature Act of 1961 to prohibit a merchant from confining or imprisoning a person against his or her will in a store without legal authority or just cause. A merchant would be liable for a civil fine of \$1,000 for each violation of this prohibition.

Currently the act restricts a plaintiff's ability to receive damages in a civil action against a merchant if the claim arises out of conduct involving a person who is either suspected of removing or of attempting to steal goods from a store or suspected of violating specific sections of the Michigan Penal Code dealing with retail fraud. If the merchant believed, with probable cause, that the plaintiff had committed or aided or abetted in the theft or fraud, the plaintiff may receive damages for mental anguish or punitive, exemplary, or aggravated damages only if the merchant acted unreasonably or intended to injure the plaintiff. The bill would eliminate this restriction on a plaintiff's ability to receive damages in addition to prohibiting merchants from falsely imprisoning persons they suspect of committing such crimes.

MCL 600.2917

Analyst: J. Caver

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