

HOUSE BILL No. 6081

May 14, 2002, Introduced by Reps. Waters, Daniels, Hale and Hardman and referred to the Committee on Civil Law and the Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 2917 (MCL 600.2917), as amended by 1992
PA 192.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2917. (1) In a civil action against a library, ~~or~~
2 ~~merchant,~~ an agent of the library, ~~or merchant,~~ or an indepen-
3 dent contractor providing security for the library ~~or merchant~~
4 for false imprisonment, unlawful arrest, assault, battery, libel,
5 or slander, if the claim arises out of conduct involving a person
6 suspected of removing or of attempting to remove, without right
7 or permission, ~~goods held for sale in a store from the store or~~
8 library materials from a library, ~~or of violating section 356c~~
9 ~~or 356d of the Michigan penal code, Act No. 328 of the Public~~
10 ~~Acts of 1931, being sections 750.356c and 750.356d of the~~

1 ~~Michigan Compiled Laws,~~ and if the ~~merchant,~~ library, agent,
2 or independent contractor had probable cause for believing and
3 did believe that the plaintiff had committed or aided or abetted
4 in the larceny of ~~goods held for sale in the store, or of~~
5 library materials, ~~or in the violation of section 356c or 356d~~
6 ~~of Act No. 328 of the Public Acts of 1931,~~ damages for or
7 resulting from mental anguish or punitive, exemplary, or aggra-
8 vated damages shall not be allowed a plaintiff, unless it is
9 proved that the ~~merchant,~~ library, agent, or independent con-
10 tractor used unreasonable force, detained the plaintiff an unrea-
11 sonable length of time, acted with unreasonable disregard of the
12 plaintiff's rights or sensibilities, or acted with intent to
13 injure the plaintiff.

14 (2) A MERCHANT SHALL NOT CONFINE OR IMPRISON A PERSON
15 AGAINST HIS OR HER WILL IN A STORE WITHOUT LEGAL AUTHORITY OR
16 JUST CAUSE. A MERCHANT WHO VIOLATES THIS SECTION IS LIABLE FOR A
17 CIVIL FINE OF \$1,000.00 FOR EACH VIOLATION.

18 (3) ~~(2)~~ As used in this section:

19 (a) "Library" includes a public library; a library of an
20 educational, historical, or eleemosynary institution or organiza-
21 tion; a museum; an archive; and a repository of public records or
22 historical records, or both.

23 (b) "Library material" includes a plate; picture; photo-
24 graph; engraving; painting; drawing; map; newspaper; book; maga-
25 zine; pamphlet; broadside; manuscript; document; letter; public
26 record; microfilm; sound recording; audiovisual material;
27 magnetic or other tape; optical storage disc or other recording

1 medium; electronic data processing record; artifact; and other
2 documentary, written, or printed material.

3 (C) "MERCHANT" INCLUDES THE AGENT OR INDEPENDENT CONTRACTOR
4 OF THE MERCHANT.