SENATE BILL NO. 995

March 4, 1998, Introduced by Senator BOUCHARD and referred to the Committee on Local, Urban and State Affairs.

A bill to authorize an entertainment forum or shopping center to detain, remove, or eject certain individuals under certain circumstances.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 1. This act shall be known and may be cited as "the
- 2 public space protection act".
- 3 Sec. 2. (1) If an entertainment forum has reasonable
- 4 grounds to believe and does believe that a person has violated
- 5 the terms of his or her license for admission to the entertain-
- 6 ment forum, the entertainment forum may, if necessary, use rea-
- 7 sonable force to detain that person, remove that person from a
- 8 public gathering within the entertainment forum, or eject that
- 9 person from the entertainment forum.
- 10 (2) In exercising the authority granted in subsection (1),
- 11 an entertainment forum may determine any of the following:

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- 1 (a) If it is necessary to eject from the entertainment forum
- 2 a person who has violated the terms of his or her license for
- 3 admission to the entertainment forum.
- **4** (b) If it is necessary to request the assistance of law
- 5 enforcement personnel to eject from the entertainment forum a
- 6 person who has violated the terms of his or her license for
- 7 admission to the entertainment forum.
- **8** (c) If it is necessary to escort a person ejected from the
- 9 entertainment forum to his or her means of transportation or off
- 10 the entertainment forum's parking area.
- 11 Sec. 3. (1) If a shopping center has reasonable grounds to
- 12 believe and does believe that a person is creating a public nui-
- 13 sance, the shopping center may, if necessary, use reasonable
- 14 force to detain that person, remove that person from a public
- 15 gathering within the shopping center, or eject that person from
- 16 the shopping center.
- 17 (2) In exercising the authority granted in subsection (1), a
- 18 shopping center may determine any of the following:
- 19 (a) If it is necessary to eject from the shopping center a
- 20 person who is creating a public nuisance.
- **21** (b) If it is necessary to request the assistance of law
- 22 enforcement personnel to eject from the shopping center a person
- 23 who is creating a public nuisance.
- 24 (c) If it is necessary to escort a person ejected from the
- 25 shopping center to his or her means of transportation or off the
- 26 shopping center's parking area.

- 1 Sec. 4. As used in this act:
- 2 (a) "Causing a public nuisance" includes any of the
- 3 following acts committed by a person who has been admitted to a
- 4 shopping center:
- 5 (i) A felony or misdemeanor under the laws of this state.
- 6 (ii) Physically harming or threatening to physically harm
- 7 the shopping center or persons admitted to the shopping center.
- 8 (iii) A public disturbance.
- 9 (iv) An act in clear disregard of the rights or sensibili-
- 10 ties of other persons admitted to the shopping center.
- 11 (v) Violating any of the shopping center's published or
- 12 announced rules.
- 13 (b) "Eject" means to remove a person from an entertainment
- 14 forum or shopping center to the outdoors or to an area beyond the
- 15 entertainment forum's or shopping center's gates or doors.
- 16 (c) "Entertainment forum" means an arena, theater, circus,
- 17 athletic grounds used for an athletic event or other form of
- 18 public entertainment, or other place of public entertainment,
- 19 with a seating capacity of not less than 200. Entertainment
- 20 forum includes an owner, lessee, manager, or operator of an
- 21 entertainment forum, an agent of an entertainment forum, or an
- 22 independent contractor providing security for an entertainment
- 23 forum.
- 24 (d) "Reasonable force" means the physical force required to
- 25 remove a person from 1 place to another, while inflicting the
- 26 least possible physical harm to the person being removed and

- 1 preventing physical harm to the person being removed or the
- 2 person who is removing that person.
- 3 (e) "Shopping center" means commercial property for which a
- 4 single lessor has executed 2 or more leases to persons engaged in
- 5 the sale of goods or services, and for which there is a common
- 6 parking area. Shopping center includes an owner, lessee, manag-
- 7 er, or operator of a shopping center, an agent of a shopping
- 8 center, or an independent contractor providing security for a
- 9 shopping center.
- 10 (f) "Violation of a license for admission" includes any of
- 11 the following acts committed by a person who is admitted to an
- 12 entertainment forum:
- 13 (i) A felony or misdemeanor under the laws of this state.
- 14 (ii) Physically harming or threatening to physically harm
- 15 the entertainment forum or persons admitted to the entertainment
- 16 forum.
- 17 (iii) A public disturbance.
- 18 (iv) An act in clear disregard of the rights or sensibili-
- 19 ties of other persons admitted to the entertainment forum.
- 20 (v) Violating any of the entertainment forum's published or
- 21 announced rules.
- (vi) If the person's admission ticket to the entertainment
- 23 forum designates a specific seat or seating location, not remain-
- 24 ing in his or her designated seat or seating location after the
- 25 entertainment forum requests that the person remain in his or her
- 26 designated seat or seating location.