

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:

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.

22 (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.