

# Legislative Analysis

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## TRESPASSING: EXEMPT PROCESS SERVERS

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**Senate Bill 321 (as reported without amendment)**

**Sponsor: Sen. Rick Jones**

**House Committee: Judiciary**

**Senate Committee: Judiciary**

**Complete to 10-9-13**

## A SUMMARY OF SENATE BILL 321 AS PASSED BY THE SENATE 5-22-13

The bill would exempt a process server from the prohibition on trespassing when attempting to serve process on the owner, occupant, agent of the owner or occupant, or lessee of the land or premises.

Under the Michigan Penal Code, it is a 30-day misdemeanor to enter or remain on the lands or premises of another without lawful authority after having been forbidden to do so or asked to leave by the owner, occupant, or their agents.

Senate Bill 321 would amend the Michigan Penal Code to specify that the trespassing prohibition and penalties would not apply to a process server who is on the land or premises of another while in the process of attempting, by the most direct route, to serve process upon an owner or occupant, an agent of the owner or occupant, or a lessee of the land or premises.

"Process server" would mean a person authorized under the Revised Judicature Act or Michigan Supreme Court rule to serve process.

MCL 750.552

## FISCAL IMPACT:

A fiscal analysis is in process.

Legislative Analyst: Susan Stutzky

Fiscal Analyst: Robin Risko

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