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TO: The Honorable Detroit City Council

FROM: David Whitaker, Director 
Legislative Policy Division Staff

DATE: March 18, 2024

RE: **RESOLUTION URGING THE MICHIGAN STATE LEGISLATURE TO AMEND
MCL 600.2917**

Council President Pro Tempore James Tate requested that the Legislative Policy Division (LPD) provide a resolution urging the Michigan legislature to amend MCL 600.2917 by altering the language to provide that merchants who use a remote door locking device to restrain a person suspected of larceny will not be immune from damages in civil actions.

Please contact our office if we can be of any further assistance.

BY COUNCIL PRESIDENT PRO TEMPORE JAMES TATE

RESOLUTION URGING THE MICHIGAN STATE LEGISLATURE TO AMEND MCL 600.2917

- WHEREAS** The Detroit City Council is mandated by the Detroit City Charter to provide for the public peace, health and safety of persons and property within its jurisdictional limits; and
- WHEREAS** On May 6, 2023, a gunman opened fire on three persons at a Mobil gas station on West McNichols, injuring two and fatally wounding one; and
- WHEREAS** The clerk, who was behind bulletproof glass, remotely locked the gas station doors during a dispute with the gunman regarding an attempted credit card purchase of less than \$4 because the clerk thought that the gunman might flee with the items he was attempting to purchase; and
- WHEREAS** By remotely locking the door, the clerk also trapped three innocent patrons inside of the gas station who were unable to escape while the conflict between the gunman and the clerk continued to escalate until the gunman eventually opened fire on the trapped innocent patrons; and
- WHEREAS** MCL 600.2917 is a portion of the Michigan Revised Judicature Act of 1961, which provides, in part, that if a plaintiff brings a civil action against a merchant who restrains a plaintiff from leaving a store based probable cause that the plaintiff was committing larceny, the plaintiff cannot seek damages for mental anguish or punitive, exemplary, or aggravated damages unless the merchant used unreasonable force, detained the plaintiff for an unreasonable length of time, acted with disregard of the plaintiff's rights, or acted with intent to injure the plaintiff; and
- WHEREAS** While the statute provides for a limited exception to civil damages where a merchant acts reasonably to restrain a person from committing larceny in their business, it is inherently unreasonable for a merchant to also detain every other patron who happens to be lawfully inside of the business without any probable cause; and
- WHEREAS** The clerk in the May 6, 2023 incident was criminally charged with involuntary manslaughter, however MCL 600.2917 should be amended to discourage merchants and their agents from using remote locking devices to detain a larceny suspect if any other patrons would also be detained without probable cause; **NOW, THEREFORE BE IT**
- RESOLVED** The Detroit City Council urges the Michigan legislature to amend MCL 600.2917 to include an exception stating that the statutory limitations on damages for civil actions do not apply if the merchant uses a remote locking device to detain a larceny suspect where the locking device would also detain any innocent patrons who happen to be present; **NOW BE IT FINALLY**
- RESOLVED** That the Detroit City Clerk send copies of this resolution to the Detroit delegations of both the Michigan State House and Senate.