

## SUMMARY

This ordinance amends Chapter 31 of the 2019 Detroit City Code, *Offenses*, Article III, *Offenses against persons*, by adding, Section 31-3-5, *Prohibiting the unlawful restraint of a patron against their will; exceptions; vicarious liability; and definitions*, in order to provide for the public health, safety and welfare of the patrons of City of Detroit businesses.

1 **BY COUNCIL MEMBER Mary Sheffield and James E. Tate:**

2 **AN ORDINANCE** to amend Chapter 31 of the 2019 Detroit City Code, Offenses, Article  
3 III, Offenses against persons, by adding, Section 31-3-5, Prohibiting the unlawful restraint of a  
4 patron against their will; exceptions; vicarious liability; and definitions, in order to provide for the  
5 public health, safety and welfare of the patrons of City of Detroit businesses.

6 **IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT**  
7 **THAT:**

8 **Section 1.** Chapter 31 of the 2019 Detroit City Code, Article III, be amended by adding  
9 Section 31-3-5, to read as follows:

10 **CHAPTER 31. OFFENSES.**

11 **ARTICLE III. OFFENSES AGAINST PERSONS**

12 **Sec. 31-3-5. Prohibiting the unlawful restraint of a patron against their will; exceptions;**  
13 **vicarious liability; and definitions.**

14 (a) It shall be unlawful for a business operator of an establishment with any bulletproof  
15 protective barrier separating a business operator from patrons to knowingly restrain a patron from  
16 leaving the establishment, using any remote door locking technology, against such persons will.

17 (b) Notwithstanding Subsection (a) of this section, a business operator may restrain a person  
18 against their will provided that the person is suspected of removing or of attempting to remove, without  
19 right or permission, goods held for sale in a business establishment from the business establishment,  
20 pursuant to MCL 600.2917.

21 (c) A business operator of an establishment who violates Subsection (a) of this section,  
22 shall be guilty of a separate misdemeanor if that business operator knows that one of the restrained  
23 individuals is in possession of a weapon or dangerous instrumentality, or the operator should have

1 reasonably known the person to be in possession of a weapon or dangerous instrumentality, with  
2 the intent of causing harm to the business, the business operator, or patrons.

3 (d) The business owner shall be separately responsible for a violation of this section by  
4 its business operator, provided that the business operator acted in furtherance or in the interest of  
5 the business and that action was within the scope of the business operator's employment.

6 (e) For the purpose of this section, the following words and phrases shall have the  
7 meanings respectively ascribed to them by this section:

8 *Bulletproof protective barrier* means a barrier made from polycarbonate, acrylic, or glass-  
9 clad polycarbonate that is designed to provide a high level of protection within the interior of  
10 various facilities.

11 *Business owner* means the persons legally responsible for a commercial entity, such as a  
12 corporation, company, or partnership.

13 *Business operator* means an agent of, or person contracted or employed by the business,  
14 including but not limited to an employee of the business, a person contracted through a third party  
15 to perform services for the business, a manager of the business or a person otherwise tasked with  
16 performing a function on behalf of the business; such as a merchant, agent, or independent  
17 contractor.

18 *Patron* means a person who is considered to be a licensee or invitee of the business, or is  
19 otherwise doing business with commercial entity.

20 *Remote door locking technology* means any technology that can be used to lock a door  
21 from a distance, including through Bluetooth or Wifi.

22 *Restrain* means to restrict a person's movements or to confine the person so as to interfere  
23 with that person's liberty without legal authority.

1           **Secs. ~~31-3-5~~ 31-3-6—31-3-20. Reserved**


2           **Section 2.**     This ordinance may also be known as the "Karlos Kelly Ordinance" in  
3     tribute to Gregory Karlos Samuel Fortner-Kelly, *a Detroit resident* who was shot and killed on  
4     May 6, 2023, after being locked inside a gas station with an active shooter, to bring attention to  
5     the dangers of businesses restraining patrons against their will.

6           **Section 3.**     All ordinances or parts of ordinances in conflict with this ordinance are  
7     repealed.

8           **Section 4.**     This ordinance is hereby declared necessary for the preservation of the  
9     public peace, health, safety, and welfare of the people of the City of Detroit.

10          **Section 5.**    Where this ordinance is passed by a two-thirds majority of City Council  
11     Members serving, it shall be given effect 30 days after publication in accordance with Section 4-  
12     118(3) of the 2012 Detroit City Charter. Where this ordinance is passed by less than two-thirds  
13     majority of City Council Members serving, it shall become effective 30 days after publication in  
14     accordance with Section 4-118(2) of the 2012 Detroit City Charter.

Approved as to form:

  
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Conrad J. Mallett  
Corporation Counsel