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BILL



ANALYSIS

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Senate Bill 872 (as introduced 2-27-18)
Sponsor: Senator David Knezek
Committee: Judiciary

Date Completed: 3-6-18

CONTENT

The bill would amend the Revised Judicature Act to provide for a 30-year period of limitations on an action based on conduct that would constitute criminal sexual conduct (CSC); and allow an individual who was the victim of CSC while a minor to bring an action for damages at any time before he or she reached 48 years of age.

The bill indicates that these provisions would apply to actions to recover damages for conduct constituting CSC that occurred after December 31, 1992.

The Act establishes periods of limitations for various types of actions, which limit the period of time a person may bring an action to recover damages after an injury or damage occurs or is discovered.

Under the bill, the period of limitations would be 30 years for an action based on conduct that constituted criminal sexual conduct. For this purpose, it would not be necessary that a criminal prosecution or other proceeding have been brought as a result of the conduct or, if a criminal prosecution or other proceeding were brought, that the prosecution or proceedings resulted in a conviction.

The Act establishes periods of limitations of two years for an action charging assault, battery, or false imprisonment; five years for an action charging assault or battery brought by a person who has been assaulted or battered by his or her current or former spouse, an individual with whom he or she has had a child, an individual with whom he or she resides or formerly resided, or an individual with whom he or she has or has had a dating relationship; and five years for an action to recover damages for injury to a person or property brought by a person who has been assaulted or battered by such an individual. Under the bill, these periods of limitations would apply except as provided for an action based on criminal sexual conduct.

In addition, under the bill, an individual who was a victim of criminal sexual conduct while a minor could commence an action to recover damages sustained because of the CSC at any time before he or she reached 48 years of age. This would apply notwithstanding Section 5851 (which provides for an extended period of limitations if the person entitled to bring an action is under 18 or insane at the time the claim accrues.)

As used in the bill, "criminal sexual conduct" would mean first-, second-, third-, or fourth-degree CSC, or assault with intent to commit second-degree CSC or assault with intent to commit CSC involving sexual penetration.

MCL 600.5805 et al.

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. The State and local units of government could face indeterminate liability in the form of judgments, settlements, and litigation costs for the actions of their employees going back to December 31, 1992, if governmental immunity did not apply. The ability of any particular local unit of government to absorb the cost of a judgment would depend upon the severity of the judgment and the financial health of the local unit of government. To the extent that the bill led to an increase in the number of actions commenced in the circuit court, the State and local units of government could incur some increase in administrative costs. Any increase in costs, however, would be offset to some degree by a corresponding increase in applicable filing fees, motion fees, and other court-imposed fees or payments.

In addition, an increase in caseloads could influence the Judicial Resources Recommendations report, which evaluates caseloads and makes recommendations for increases or decreases in judgeships for circuit, district, and probate courts every two years. As a result, judgeships and staffing costs could increase as a result of the bill.

Fiscal Analyst: John Maxwell
Michael Siracuse

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.