

Act No. 28
Public Acts of 1990
Approved by the Governor
March 13, 1990
Filed with the Secretary of State
March 13, 1990

**STATE OF MICHIGAN
85TH LEGISLATURE
REGULAR SESSION OF 1990**

Introduced by Reps. Van Regenmorter, Perry Bullard, Nye, Stupak and Power

ENROLLED HOUSE BILL No. 4293

AN ACT to amend Act No. 236 of the Public Acts of 1961, entitled as amended "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; and to repeal all acts and parts of acts inconsistent with, or contravening any of the provisions of this act," as amended, being sections 600.101 to 600.9947 of the Michigan Compiled Laws, by adding section 1902.

The People of the State of Michigan enact:

Section 1. Act No. 236 of the Public Acts of 1961, as amended, being sections 600.101 to 600.9947 of the Michigan Compiled Laws, is amended by adding section 1902 to read as follows:

Sec. 1902. (1) As used in this section, "victim" means any 1 of the following:

- (a) The person alleging to have been subjected to a crime described in subsection (2).
 - (b) The parent, guardian, or custodian of the person described in subdivision (a), if the person is less than 18 years of age.
 - (c) The parent, guardian, or custodian of the person described in subdivision (a), if the person is so mentally incapacitated that he or she cannot meaningfully understand or participate in the legal process.
- (2) A defendant in a criminal action for criminal sexual conduct in any degree or assault with intent to commit criminal sexual conduct shall not commence or maintain a civil action against a victim of the crime for which the defendant is charged if both of the following circumstances exist:
- (a) The criminal action is pending in a trial court of this state, of another state, or of the United States.
 - (b) The civil action is based upon statements or reports made by the victim that pertain to an incident from which the criminal action is derived.
 - (3) The court shall dismiss without prejudice a civil action commenced or maintained in violation of subsection (2).

(4) The period of limitations for the bringing of a civil action described in subsection (2) is tolled for the period of time during which the criminal action is pending in a trial court of this state, of another state, or of the United States.

(5) This section does not apply if the victim files a civil action based upon an incident from which the criminal action is derived against the defendant in the criminal action.

(6) This section shall apply only if the criminal action against the defendant is based upon a crime allegedly committed after the effective date of the amendatory act that added this section.

Section 2. This amendatory act shall take effect upon the expiration of 90 days after the date of its enactment.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved.....

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Governor.