

HOUSE BILL No. 4293

February 23, 1989, Introduced by Reps. Van Regenmorter, Perry Bullard, Nye, Stupak and Power and referred to the Committee on Judiciary.

A bill to amend Act No. 236 of the Public Acts of 1961,
entitled as amended

"Revised judicature act of 1961,"

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:

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

5 SEC. 1902. (1) AS USED IN THIS SECTION, "VICTIM" MEANS
6 THAT TERM AS DEFINED IN SECTION 2 OF THE CRIME VICTIM'S RIGHTS
7 ACT, ACT NO. 87 OF THE PUBLIC ACTS OF 1985, BEING SECTION 780.752
8 OF THE MICHIGAN COMPILED LAWS.

1 (2) A DEFENDANT IN A CRIMINAL ACTION FOR CRIMINAL SEXUAL
2 CONDUCT IN ANY DEGREE OR ASSAULT WITH INTENT TO COMMIT CRIMINAL
3 SEXUAL CONDUCT SHALL NOT COMMENCE A CIVIL ACTION AGAINST A VICTIM
4 OF THE CRIME FOR WHICH THE DEFENDANT IS CHARGED IF BOTH OF THE
5 FOLLOWING CIRCUMSTANCES EXIST:

6 (A) THE CRIMINAL ACTION IS PENDING IN A TRIAL COURT OF THIS
7 STATE, OF ANOTHER STATE, OR OF THE UNITED STATES.

8 (B) THE CIVIL ACTION IS BASED UPON STATEMENTS OR REPORTS
9 WITH REFERENCE TO AN INCIDENT FROM WHICH THE CRIMINAL ACTION IS
10 DERIVED.

11 (3) A CIVIL ACTION COMMENCED IN VIOLATION OF SUBSECTION (2)
12 SHALL BE DISMISSED WITHOUT PREJUDICE BY THE COURT UPON THE MOTION
13 OF A PARTY IN THE CIVIL ACTION OR UPON THE COURT'S OWN MOTION.

14 (4) THE PERIOD OF LIMITATIONS FOR THE BRINGING OF A CIVIL
15 ACTION DESCRIBED IN SUBSECTION (2) IS TOLLED FOR THE PERIOD OF
16 TIME DURING WHICH THE CRIMINAL ACTION IS PENDING IN A TRIAL COURT
17 OF THIS STATE, OF ANOTHER STATE, OR OF THE UNITED STATES.

18 (5) THIS SECTION SHALL APPLY ONLY IF THE CRIMINAL ACTION
19 AGAINST THE DEFENDANT IS BASED UPON A CRIME ALLEGEDLY COMMITTED
20 AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS
21 SECTION. THIS SECTION SHALL NOT APPLY IF THE VICTIM FILES A
22 CIVIL ACTION BASED UPON AN INCIDENT FROM WHICH THE CRIMINAL
23 ACTION IS DERIVED AGAINST THE DEFENDANT IN THE CRIMINAL ACTION.

24 Section 2. This amendatory act shall take effect upon the
25 expiration of 30 days after the date of its enactment.