

Legislative Analysis



CIVIL ACTIONS FOR FEMALE GENITAL MUTILATION VICTIMS

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<http://www.house.mi.gov/hfa>

House Bill 4641 as introduced
Sponsor: Rep. Stephanie Chang

Analysis available at
<http://www.legislature.mi.gov>

House Bill 4661 as introduced
Sponsor: Rep. Beth Griffin

Committee: Law and Justice
Complete to 5-29-17

SUMMARY:

Both bills would amend the Revised Judicature Act related to civil actions for damages brought by victims of female genital mutilation.

House Bill 4641 would add a new Section 5851a so that an individual who, while a minor, was a victim of female genital mutilation could commence an action to recover damages sustained at any time before the individual reaches 28 years of age. (This would provide an extended statute of limitations.)

House Bill 4661 would create a new Section 2978 to allow a victim of female genital mutilation to bring a civil action for damages sustained because of the female genital mutilation, and to specify the damages allowed to be awarded.

Under both bills, "female genital mutilation" would refer to the conduct listed in the provisions added to the Michigan Penal Code by House Bills 4636 (which would criminalize the practice of female genital mutilation).

House Bill 4661

The bill would create a new section so a victim of female genital mutilation could bring an action, in a court of competent jurisdiction, for damages sustained because of the female genital mutilation. A court would also be able to award all of the following:

- Three times the amount of actual damages sustained (also called "treble damages")
- Damages for noneconomic loss
- Costs and reasonable attorney fees

The remedy provided by this new section is in addition to any other right or remedy the individual may have at law or otherwise.

The term "noneconomic loss" would mean damages or loss due to pain, suffering, inconvenience, physical impairment, physical disfigurement, loss of society and companionship, loss of consortium, or other noneconomic loss.

House Bill 4661 and House Bill 4641 are both tie-barred to House Bill 4636, meaning they could not take effect unless HB 4636 is enacted. HB 4636 is tie-barred to HB 4641.

FISCAL IMPACT:

The bills would have an indeterminate fiscal impact on the state and on local court systems and would depend on the number of victims who commenced actions to recover damages. Local court systems would incur costs depending on how court caseloads and related administrative costs were affected.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.