



**Senate Fiscal Agency**  
P. O. Box 30036  
Lansing, Michigan 48909-7536

BILL



ANALYSIS

**Telephone: (517) 373-5383**  
**Fax: (517) 373-1986**

House Bill 4661 (Substitute S-1 as reported)  
Sponsor: Representative Beth Griffin  
House Committee: Law and Justice  
Senate Committee: Judiciary

### **CONTENT**

The bill would amend the Revised Judicature Act to allow an individual who was a victim of female genital mutilation to bring an action in court for damages sustained because of the female genital mutilation. "Female genital mutilation" would mean that term as defined in Section 5851a (which House Bill 4641 would add): conduct that is a violation of Section 136 of the Michigan Penal Code, or, if it were to occur in the State, would be a violation of Section 136 of the Penal Code.

In such an action, the court could award all of the following: a) triple the amount of actual damages sustained; b) damages for noneconomic loss; and c) costs and reasonable attorney fees. "Noneconomic loss" would mean damages or loss due to pain, suffering, inconvenience, physical impairment, or physical disfigurement, loss of society and companionship, loss of consortium, and other noneconomic loss.

The remedy provided by the bill would be in addition to any other right or remedy the individual could have at law or otherwise.

The bill is tie-barred to Senate Bill 337 and House Bill 4641. (Senate Bill 337 would add Section 136 to the Michigan Penal Code to prohibit a person from knowingly performing a surgical operation to circumcise, incise, excise, or infibulate all or any part of the labia majora, labia minora, clitoris, or contiguously surrounding tissue of a person under 18 years of age. House Bill 4641 would allow an individual who, while a minor, was a victim of female genital mutilation to recover damages sustained because of the offense at any time before she reached the age of 28.)

Proposed MCL 600.2978

Legislative Analyst: Jeff Mann

### **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Date Completed: 6-15-17

Fiscal Analyst: Ryan Bergan