

HOUSE BILL NO. 5964

March 23, 2022, Introduced by Reps. Breen, Damoose, Hood, Hope, Scott, Anthony, Morse, Cavanagh, Rabhi, Stone, Kuppa and Thanedar and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending sections 6431 and 6452 (MCL 600.6431 and 600.6452), section 6431 as amended by 2020 PA 42 and section 6452 as amended by 2020 PA 44.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6431. (1) Except as otherwise provided in this section, a
2 claim may not be maintained against this state unless the claimant,
3 within 1 year after the claim has accrued, files in the office of

1 the clerk of the court of claims either a written claim or a
2 written notice of intention to file a claim against this state or
3 any of its departments, commissions, boards, institutions, arms, or
4 agencies.

5 (2) A claim or notice under subsection (1) must contain all of
6 the following:

7 (a) A statement of the time when and the place where the claim
8 arose.

9 (b) A detailed statement of the nature of the claim and of the
10 items of damage alleged or claimed to have been sustained.

11 (c) A designation of any department, commission, board,
12 institution, arm, or agency of the state involved in connection
13 with the claim.

14 (d) A signature and verification by the claimant before an
15 officer authorized to administer oaths.

16 (3) A claimant shall furnish copies of a claim or notice filed
17 under subsection (1) to the clerk at the time of filing for
18 transmittal to the attorney general and to each of the departments,
19 commissions, boards, institutions, arms, or agencies of this state
20 designated in the claim or notice.

21 (4) For a claim against this state for property damage or
22 personal injuries, the claimant shall file the claim or notice
23 under subsection (1) with the clerk of the court of claims within 6
24 months after the event that gives rise to the claim.

25 (5) This section does not apply to ~~a claim for~~ **either of the**
26 **following:**

27 (a) **A claim for** compensation under the wrongful imprisonment
28 compensation act, 2016 PA 343, MCL 691.1751 to 691.1757.

29 (b) **A claim to recover damages because of criminal sexual**

1 **conduct, as that term is defined in section 5851b.**

2 Sec. 6452. (1) Every claim against this state, cognizable by
3 the court of claims, is forever barred unless the claim is filed
4 with the clerk of the court or an action is commenced on the claim
5 in federal court as authorized in section 6440, within 3 years
6 after the claim first accrues.

7 (2) Except as modified by this section, chapter 58, relative
8 to the limitation of actions, also applies to the limitation under
9 this section.

10 (3) The attorney general has the same right as a creditor
11 under the statutes of this state to petition for the appointment of
12 a personal representative of the estate of a deceased person.

13 (4) The attorney general has the same right as a
14 superintendent of the poor under the statutes of this state to
15 petition for the appointment of a guardian of the estate of a minor
16 or any other individual under a disability.

17 (5) This section does not apply to ~~a claim for~~ **either of the**
18 **following:**

19 **(a) A claim for** compensation under the wrongful imprisonment
20 compensation act, 2016 PA 343, MCL 691.1751 to 691.1757.

21 **(b) A claim to recover damages because of criminal sexual**
22 **conduct, as that term is defined in section 5851b.**

23 Enacting section 1. Section 6431 of the revised judicature act
24 of 1961, 1961 PA 236, MCL 600.6431, as amended by this amendatory
25 act, applies retroactively.

26 Enacting section 2. This amendatory act does not take effect
27 unless all of the following bills of the 101st Legislature are
28 enacted into law:

29 (a) Senate Bill No. ____ or House Bill No. 5962 (request no.

1 00588'21).

2 (b) Senate Bill No. _____ or House Bill No. 5963 (request no.

3 00592'21).