

HOUSE BILL NO. 4482

April 27, 2023, Introduced by Reps. Brixie, Morse, Miller, Arbit, Tsernoglou, Paiz, Hill, Liberati, Farhat, Conlin, Wilson, Martus, Rheingans, McFall, Andrews, Scott, Hope, Price, Young, Haadsma, Hood, Dievendorf, Steckloff, Byrnes, Brabec, Aiyash and Whitsett and referred to the Committee on Criminal Justice.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 5851b (MCL 600.5851b), as added by 2018 PA 183.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5851b. (1) Notwithstanding ~~sections 5805 and~~ **section**
2 5851, **and except as otherwise provided in this section,** an
3 individual who ~~, while a minor,~~ is the victim of criminal sexual
4 conduct may commence an action to recover damages sustained because
5 of the criminal sexual conduct at any time before whichever of the

1 following is later:

2 (a) **Ten years after the time the claim accrues.**

3 (b) ~~(a)~~ The individual reaches the age of ~~28~~**52** years.

4 (c) ~~(b)~~ ~~Three~~**Seven** years after the date the individual
5 discovers, or through the exercise of reasonable diligence should
6 have discovered, both the individual's injury and the causal
7 relationship between the injury and the criminal sexual conduct.

8 (2) For purposes of subsection (1), it is not necessary that a
9 criminal prosecution or other proceeding have been brought as a
10 result of the conduct or, if a criminal prosecution or other
11 proceeding was brought, that the prosecution or proceeding resulted
12 in a conviction or adjudication.

13 (3) **An action to recover damages sustained because of criminal
14 sexual conduct may be brought at any time without limitation if
15 there is a criminal prosecution brought as a result of the conduct
16 that results in a conviction for criminal sexual conduct.**

17 (4) ~~(3)~~ Regardless of any period of limitation under
18 subsection (1) ~~or sections 5805 or~~ **section 5851, the claim of** an
19 individual who ~~, while a minor,~~ was the victim of criminal sexual
20 conduct ~~after December 31, 1996 but before 2 years before the~~
21 effective date of the **2023** amendatory act that ~~added~~**amended** this
22 section **is revived and the individual** may commence an action to
23 recover damages sustained because of the criminal sexual conduct
24 ~~within 90 days before 2 years~~ **after the effective date of the 2023**
25 amendatory act that ~~added~~**amended** this section. ~~if the person~~
26 ~~alleged to have committed the criminal sexual conduct was convicted~~
27 ~~of criminal sexual conduct against any person under section 520b of~~
28 ~~the Michigan penal code, 1931 PA 328, MCL 750.520b, and the~~
29 ~~defendant admitted either of the following:~~

1 ~~(a) That the defendant was in a position of authority over the~~
2 ~~victim as the victim's physician and used that authority to coerce~~
3 ~~the victim to submit.~~

4 ~~(b) That the defendant engaged in purported medical treatment~~
5 ~~or examination of the victim in a manner that is, or for purposes~~
6 ~~that are, medically recognized as unethical or unacceptable.~~

7 **(5) (4)**—This section does not limit an individual's right to
8 bring an action under section 5851.

9 **(6) (5)**—As used in this section:

10 (a) "Adjudication" means ~~that term as defined in section~~
11 **5805.an adjudication of 1 or more offenses under chapter XIIA of**
12 **the probate code of 1939, 1939 PA 288, MCL 712A.1 to 712A.32.**

13 (b) "Criminal sexual conduct" means ~~that term as defined in~~
14 **section 5805.conduct prohibited under section 520b, 520c, 520d,**
15 **520e, or 520g of the Michigan penal code, 1931 PA 328, MCL**
16 **750.520b, 750.520c, 750.520d, 750.520e, and 750.520g.**

17 Enacting section 1. This amendatory act does not take effect
18 unless all of the following bills of the 102nd Legislature are
19 enacted into law:

20 (a) Senate Bill No.____ or House Bill No. 4484 (request no.
21 00428'23).

22 (b) Senate Bill No.____ or House Bill No. 4483 (request no.
23 02801'23).