



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bills 257 through 261 (as passed by the Senate)

Sponsor: Senator Kevin Hertel (S.B. 257)

Senator Sam Singh (S.B. 258)

Senator Mallory McMorrow (S.B. 259)

Senator Jeff Irwin (S.B. 260)

Senator Veronica Klinefelt (S.B. 261)

Committee: Civil Rights, Judiciary, and Public Safety

Date Completed: 8-18-25

RATIONALE

In 2015, the Michigan Task Force on the Prevention of Sexual Abuse of Children submitted its report to the Governor and to the Legislature. Based on national trends, the report estimated that between 10,000 and 75,000 children and adolescents had experienced some form of sexual abuse in 2012.¹ Additionally, as of 2023, Michigan had the third highest forcible rape rate per 100,000 inhabitants in the Country.² Finding comprehensive statistics illustrating the prevalence of sexual assault for adults and children is difficult. According to testimony before the Senate Committee on Civil Rights, Judiciary, and Public Safety, survivors of sexual abuse often face barriers to reporting, such as fear of retribution or social and cultural stigma, which may lead to those who have experienced childhood sexual abuse delaying disclosure well into adulthood. Reportedly, once victims are ready to seek justice, they often find they have missed their window of opportunity to file a lawsuit. Accordingly, it has been suggested to extend statutes of limitations for victims of these crimes to allow them to report and seek justice against their abusers.

CONTENT

Senate Bill 257 would amend the Revised Judicature Act to do the following:

- **Allow an individual who was the victim of criminal sexual conduct to commence an action for damages within 10 years of the crime, by the age of 42, or within seven years of discovering the injury and connection to the misconduct, whichever was later.**
- **Allow an individual to bring an action to recover damages sustained because of criminal sexual conduct at any time against an individual who had been convicted for that criminal sexual conduct.**
- **Regardless of the limitations above, allow an individual who was a victim of criminal sexual conduct before the bill's effective date to commence an action to recover damages within a year after the effective date and specify that the claimant could not recover more than \$1.5 million in damages from a single defendant.**

¹ Michigan Task Force on the Prevention of Sexual Abuse of Children, *Report of the Michigan Task Force on the Prevention of Sexual Abuse of Children*, p. 4, 2015.

² "Forcible Rape Rate per 100,000 Inhabitants in the United States in 2023, by State", Statista. <https://www.statista.com/statistics/232563/forcible-rape-rate-in-the-us-by-state/> Retrieved 5-6-25.

Senate Bill 258 would amend the Revised Judicature Act to delete a 10-year period of limitations for bringing an action to recover damages sustained because of criminal sexual conduct and instead refer to the period of limitations prescribed under Senate Bill 257.

Senate Bill 259 would amend the Revised Judicature Act to exempt a claim to recover damages because of criminal sexual conduct from the permanent bar on bringing a claim against the State.

Senate Bill 260 would amend the governmental immunity Law to do the following:

- Remove immunity from tort liability for a public university, public college, and a school district whose employee engaged in criminal sexual conduct while working if the institution were negligent in the hiring, supervision, or training of the employee or the institution knew of the conduct and did not report it.**
- Allow a public university, public college, or a school district to be held liable for criminal sexual conduct of an employee if the entity could have known about conduct and failed to act or intervene to prevent the conduct.**
- Specify that the bill's provisions would apply retroactively to a claim under Section 5851b to recover damages for criminal sexual conduct, which Senate Bill 257 would amend.**

Senate Bill 261 would amend the Revised Judicature Act to specify that the time requirements to file a claim or notice of intent to file a claim with the Court of Claims would not apply to a claim for compensation under Section 5851b of the Revised Judicature Act to recover damages for criminal sexual conduct.

Senate Bill 257

Under Section 5851b of the Revised Judicature Act, an individual who is a minor and who is the victim of criminal sexual conduct may commence an action to recover damages sustained because of the criminal sexual conduct at any time before the individual is 28 years old or three years after the date the individual discovers, or should have discovered, both the individual's injury and the causal relationship between the injury and criminal sexual conduct, whichever is later.

The bill would modify this provision, and instead, an individual who was the victim of criminal sexual conduct could commence an action to recover damages sustained because of the criminal sexual conduct any time within 10 years after the time the claim accrued, the individual reached 42 years of age, or seven years after the date the individual discovered, or should have discovered, both the individual's injury and the causal relationship between the injury and criminal sexual conduct, whichever was later.

Also, the bill would allow an action to recover damages sustained because of criminal sexual conduct to be brought at any time without limitation against an individual who had been prosecuted and convicted for that criminal sexual conduct.

Under the bill, regardless of any period of limitation described above or limitations for disabilities of insanity or infancy, an individual who was the victim of criminal sexual conduct before the bill's effective date could commence an action to recover damages sustained because of criminal sexual conduct within a year after the bill's effective date. The bill specifies that in an action to recover damages sustained because of criminal sexual conduct that was barred by a time limitation under the Act before the bill's effective date, a single claimant

could not recover more than \$1.5 million from a single defendant for damages arising from each incident or occurrence.

(Section 5851b allowed an individual who was a minor and was the victim of criminal sexual misconduct between 1996 and 2016 to commence an action to recover damages regardless of periods of limitations under Section 5851b, limitations for damages for injuries to persons or property, or for disability for infancy or insanity, from June 12, 2018, to September 10, 2018, if the individual met certain conditions. The bill would delete this provision.)

Senate Bill 258

Section 5805 of the Revised Judicature Act prohibits a person from bringing or maintaining an action to recover damages for injuries to persons or property unless the action is commenced within certain periods of time.

Among other limitations, the period of limitations is 10 years for an action to recover damages sustained because of criminal sexual conduct. The bill would delete this provision. Instead, the period of limitations for an action to recover damages sustained because of criminal sexual conduct would be provided under Section 5851b, which Senate Bill 257 would amend.

Also, the Act specifies for damages for criminal sexual conduct that it is not necessary that a criminal prosecution or other proceeding have been brought as a result of the conduct or, if a criminal prosecution or other proceeding was brought, that the prosecution or proceeding resulted in a conviction or adjudication. The bill would delete this provision.

Senate Bill 259

Under Section 6452 of the Revised Judicature Act, every claim against the State in the Court of Claims is forever barred unless it is filed with the clerk of the Court or a suit is brought on the claim in Federal court, within three years after the claim first accrues. Except as otherwise provided, Chapter 58 (Limitation of Actions) of the Act also applies to the limitation prescribed in Section 6452.³

Under the bill, Section 6452 would not apply to a claim to which Section 5851b applied, as modified under Senate Bill 257.

Senate Bill 260

Generally, the governmental immunity Law specifies that a governmental agency is immune from tort liability if it is engaged in the exercise or discharge of a governmental function.

Under the bill, a public university or college or a school district would not be immune under the Law from tort liability for criminal sexual conduct that an employee or agent of the public university or college or school district engaged in during the course of employment or service or while acting on behalf of that entity if either of the following applied:

- The university, college, or district was negligent in the hiring, supervision, or training of the employee or agent.
- The university, college, or district had actual or constructive knowledge of the criminal sexual conduct and failed to report the conduct to a law enforcement agency.

³ Chapter 58 establishes the periods of limitations for various actions, which restrict the time during which a person may bring an action.

"School district" would mean an intermediate school district or public school academy under the Revised School Code.

A public university or college or a school district could be held liable for the criminal sexual conduct of an employee or agent committed during employment or service or while acting on behalf of the university, college, or district only if the following applied:

- The university, college, or district had actual or constructive knowledge that the individual had committed a prior act of criminal sexual conduct or actual or constructive knowledge of the individual's propensity to act in accordance with a prior act of criminal sexual conduct.
- The university, college, or district failed to act or intervene to prevent the subsequent criminal sexual conduct.

The bill would specify that nothing in the law, any previous law, or subsequent law could limit the availability of causes of action permitted to a plaintiff, including causes of action against a person other than the individual alleged to have committed the criminal sexual conduct. Additionally, it would not be necessary for a criminal prosecution or other proceeding to have been brought, or, if one had been brought, for the prosecution or proceeding to have resulted in a conviction or adjudication.

"Adjudication" would mean an adjudication of at least one offence under Chapter XIIA (Jurisdiction, Procedure, and Disposition Involving Minors) of the Probate Code.

The provisions described above would apply retroactively to an action commenced under Section 5851b of the Revised Judicature Act, which Senate Bill 257 would amend.

Senate Bill 261

Section 6431 of the Revised Judicature Act specifies that a claim may not be maintained against the State unless the claimant, within one year after the claim has accrued, files with the clerk of the Court of Claims either a written claim or a written notice of intention to file a claim against the State or any of its departments, commissions, boards, institutions, arms, or agencies. The notice must include a signature and verification by the claimant before an officer authorized to administer oaths, a statement of the time and place where the claim arose, a statement of the nature of the claim, and a designation of the department, commission, board, institution, arm, or agency involved in connection with the claim. Also, if the claim is for property damage or personal injuries, the claim or notice must be filed within six months after the event that gives rise to the claim.

Section 6431 does not apply to a claim for compensation under the Wrongful Imprisonment Compensation Act. Under the bill, it also would not apply to a claim to which Section 5851b of the Act applied, which Senate Bill 257 would amend.

MCL 600.5851b (S.B. 257); 600.5805 (S.B. 258)
600.6452 (S.B. 259); 691.1407 (S.B. 260)
600.6431 (S.B. 261)

PREVIOUS LEGISLATION

(This section does not provide a comprehensive account of previous legislative efforts on this subject matter.)

Senate Bills 257, 258, 259, 260, and 261 are respectively reintroductions of Senate Bills 1187, 1188, 1189, 1191, and 1192 of the 2023-2024 Legislative Session. Senate Bills 1187 - 1192

passed the Senate and were referred to the House Committee on Government Operations but received no further action.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The bills would offer justice to many Michiganders. Reportedly, sexual assault, especially child sexual assault, has life-long effects. The shame, guilt, and other emotions associated with this trauma may lead to negative outcomes. According to testimony before the Senate Committee on Civil Rights, Judiciary, and Public Safety, child sexual assault survivors may experience academic difficulties, behavioral issues, and struggles with forming relationships. This may not only affect them in their personal lives but also in their careers. Sexual assault survivors often need time to recognize and process the abuse, especially if it occurred early in life. Testimony indicates that the average age of disclosure of child sexual abuse is 52. Currently, an individual may only bring an action to recover damages until the individual is 28 years old or within three years after the individual discovers, or should have discovered, the abuse, whichever was later. Reportedly, Michigan's statute of limitations for criminal sexual conduct is the narrowest in the nation.

Survivors deserve restitution, but current statute prevents many from even attempting to access it. For example, in 2022, the Boy Scouts of America, as part of the organization's bankruptcy settlement, created a fund for individuals that had suffered sexual abuse while under the organization's care. Of the 92,000 claimants, several thousand were estimated to reside in Michigan.⁴ Claimants were entitled to a portion of money in the fund; however, due to Michigan's narrow statute of limitations, Michigan claimants received a smaller portion than those in other states. The experiences of Michigan survivors are as valid as those of other survivors. They deserve to take their abusers to court and to tell their stories. The bills would allow victims to heal on their own time and pursue justice when they are ready to do so.

Response: The bill is a good first step but still ignores many survivors. As previously noted, the average age of disclosure for child sexual abuse is 52. Yet the bill would require victims to commence an action for damages by the age of 42, within 10 years of the crime, or within seven years of discovering the injury, whichever was later. This would not be enough time for survivors. Instead of modifying the statute of limitations, Michigan should follow the example of other states in eliminating the statute of limitations for criminal sexual conduct.⁵

Supporting Argument

The bills would further aid survivors by holding institutions accountable for their actions in ignoring or covering up sexual abuse. Sexual abuse, including child sexual abuse, occurs in many settings. Institutions of power, such as governing bodies and universities, and trusted organizations, like churches and school districts, may further worsen a survivor's experience by protecting the abuser through intentional ignorance or active interference. For example, in 2019, the Oregon Supreme Court ordered the release and redaction of the Boy Scouts of America's "ineligible volunteer" files, internal documents maintained by the organization that contained information on suspected sexual predators that had worked or volunteered for the Boy Scouts of America, compiled between 1965-1985. Evidence suggests the organization has maintained similar documents throughout its history.⁶ Some allege that the existence of

⁴ Mukomel, Lynsey, "AG Nessel Responds to Boy Scouts of America's Settlement Offer", Michigan Department of Attorney General, July 2, 2021.

⁵ See RAINN's webpage, "State by State Guide on Statutes of Limitations", for more information: <https://rainn.org/state-state-guide-statutes-limitations>.

⁶ Siemaszko, Corky, "Lawyer demands Boy Scouts open up the 'perversion files'", *NBC News*, April 24, 2019.

these or similar files, most of which remain confidential, constitutes negligence on the part of the Boy Scouts of America, which may have known about ongoing abuse but failed to stop it. Furthermore, by refusing to make this information publicly available, some allege that the organization is protecting sexual abusers.

Similar claims were made about the Federal Bureau of Investigation's (FBI) and Michigan State University's (MSU) handling of the Larry Nassar case, in which a former MSU employee was convicted for the sexual abuse of young athletes placed in his medical care. In 2022, 13 survivors filed a lawsuit against the FBI for failures related to the FBI's investigation of Nassar in 2015-2016, which was settled in 2024.⁷ During his trial in Ingham County, 156 women testified to Nassar's abuse. Several alleged that USA Gymnastics, the organization Nassar once worked for, and MSU had failed to investigate reports of sexual abuse.⁸ In 2021, the Office of the Attorney General (OAG) investigated MSU's handling of the Nassar case. In 2024, another investigation by the OAG found that MSU had improperly withheld up to 6,000 documents during the first investigation.⁹ While individual claims may be difficult to prove, institutions and organizations have the power to muddy investigations and escape liability. The bills would hold these institutions and organizations, as well as the State, accountable for their actions by making them liable for inaction. Doing so would incentivize all institutions to take action if an employee, volunteer, or other connection engaged in abusive behavior and would ensure that survivors, no matter the circumstances, could seek justice.

Response: The bills could financially harm the State. In 2023, Maryland enacted the Child Victims Act, which removed the statute of limitations for child sexual abuse lawsuits prospectively (i.e., applying to the future) *and* retrospectively (i.e., applying to the past) and expanded liability to include institutions that enabled or covered up abuse, not just the perpetrators of the abuse. This includes school boards, local governments, and the State. The law also raised the cap on damages to \$890,000 per occurrence for lawsuits filed against government entities (and \$1.5 million per occurrence for lawsuits against private institutions). In response to the law's passage, an estimated 4,000 to 6,000 survivors, many of whom experienced sexual abuse in State juvenile detention centers, have pursued legal action against the State.¹⁰ If these lawsuits were to go to court, the State could face significant liability and an even more significant financial penalty, potentially exacerbating Maryland's current budget deficit. In April 2025, the State amended the Act to reduce the cap on damages to \$400,000 for lawsuits filed against government entities (and \$700,000 for lawsuits filed against private institutions).

Similarly, in 2019, California enacted Assembly Bill 218, which extended the statute of limitations, expanded liability to include public entities such as schools, and allowed child sexual assault victims to revive expired claims during the three-year period from 2020 to 2022.¹¹ This led to a lot of litigation against public institutions, including local governments. In April 2025, Los Angeles County agreed to pay \$4.0 billion to settle 7,000 lawsuits brought

⁷ White, Ed, "US government agrees to \$138.7M settlement over FBI's botching of Larry Nassar assault allegations", *AP News*, April 23, 2024.

⁸ Moghe, Sonia and Lauren del Valle, "Larry Nassar's abuse victims, in their own words", *CNN*, January 17, 2018.

⁹ Buczek, Joseph, "Michigan AG closes investigation into MSU, says school had 'no justifiable reason' to withhold Nassar documents", *CBS News*, September 11, 2024.

¹⁰ O'Neill, Madeleine, "Changes to Maryland child sexual abuse law could harm survivors, critics warn", *The Baltimore Banner*, March 26, 2025.

¹¹ More specifically, the law allowed victims to commence an action before the victim's 40th birthday (previously, before the victim's 26th birthday) or within five years (previously three years) of when a victim discovers or should have discovered that the victim's psychological injury was caused by childhood sexual assault. In 2023, California enacted Assembly Bill 452, which prospectively removed the statute of limitations for child sexual assault.

by adults who had experienced abuse in its juvenile detention and foster care systems.¹² School boards across the State face an estimated \$3.0 billion in claims, which may lead to widespread bankruptcy.¹³ The State and other institutions are not financially equipped to pay for previous violations. As a result of these and other considerations, in 2024, California Governor Newsom vetoed Assembly Bill 2693, which would have revived child sexual assault claims once again for a period of one year. Maryland, California, and other states that have passed legislation such as that proposed by this bill package struggle with the financial consequences. Michigan should not follow in their footsteps.

Opposing Argument

By allowing survivors to revive time-barred claims, these bills would deny perpetrators and associated institutions due process. Statutes of limitations promote legal certainty and protect defendants in the judicial process. In a civil case, a defendant seeks to prove that the defendant is not liable for an alleged crime and must provide evidence of that fact, such as the provision of witnesses or records; however, an individual may forget information and records may be misplaced or scrapped over time. If the State revived time-barred claims, victims could commence actions against institutions that could not adequately defend themselves due to the passage of time. Testimony indicates that the likely outcome in such cases would be a settlement, with an institution assuming the cost of a crime it was not legally liable for.

Additionally, statutes of limitations grant closure to individuals, allowing them to move forward without the worry of legal action. If the bills were solely prospective, this would not be a problem. Individuals could adapt their recordkeeping practices to ensure they maintained appropriate evidence in perpetuity; however, as the bills are retrospective, they would punish individuals who did not anticipate the extension of the statute of limitations on child sexual assault civil crimes. Individuals may destroy records or sever connections with witnesses thought to be no longer necessary. Several states have revived time-barred claims; however, they limited the type of claims that could be revived. For example, testimony indicates that Massachusetts, Rhode Island, and Georgia only revived claims against the perpetrator of the alleged abuse, whereas Arizona, Oregon, and West Virginia revived claims only against organizations that engaged in criminal conduct or knew of the abuse but failed to act. Reportedly, four State high courts have struck down similar legislation, on the basis that the retrospective laws violated due process: Utah,¹⁴ Colorado,¹⁵ Kentucky,¹⁶ and Maine.¹⁷ By circumventing the State's statutes of limitation without restriction, the bills would jeopardize the fairness of the legal system.

The bills also could destabilize the legal system and lead to more litigation. Questions concerning insurance coverage, the parameters of liability, and the bills' constitutionality

¹² Hubler, Shawn, "The Financial Fallout over Child Sexual Abuse Lawsuits in California", *The New York Times*, May 9, 2025.

¹³ *Id.*

¹⁴ Harkins, Paighen, "Supreme Court rules it can't retroactively apply law that extends statute of limitations for child sex abuse cases", *The Salt Lake Tribune*, June 12, 2020.

¹⁵ In 2023, the Colorado Supreme Court held that the State's Child Sexual Abuse Accountability Act violated the State's constitutional prohibition on retrospective legislation (*Aurora Pub. Sch. v. A.S.*, 531 P.3d 1036, 1050 (Colo. 2023)).

¹⁶ In 2024, the Kentucky Supreme Court ruled in *Thompson v. Killary* that an amendment to KRS 213.249, the Kentucky law governing child sexual abuse cases, that applied the law retroactively violated due process (*Thompson v. Killary*, 683 S.W.3d 641, 648 (Ky. 2024)).

¹⁷ In 2025, the Maine Supreme Judicial Court found that a 2021 law (14 M.R.S. § 752-C(3) (2022)) allowing for retrospective claims violated the Maine Declaration of Rights and the State Constitution's provisions regarding separation of powers (*Dupuis v. Roman Catholic Bishop of Portland*, No. BCD-23-122, 2025 ME 6, ¶ 2 (Me. Jan. 28, 2025)).

would have to be solved in court. Reportedly, the bills also would overturn legal precedent. In Michigan, civil crimes are limited by statutes of limitations. If the State removed the statute of limitations for past child sexual abuse cases, victims of other civil crimes may push for similar extensions, further jeopardizing the certainty and fairness of the State's legal system.

Legislative Analyst: Tyler VanHuyse

FISCAL IMPACT

Senate Bills 257 through 259 & 261

The bills would have a minimal fiscal impact on State and local courts. Fewer civil claims would be barred by the statute of limitations or governmental immunity; however, the degree to which civil claims for criminal sexual conduct would increase is unknown. While additional claims could mean more expenses for courts, primarily circuit courts in this case, such expenses would be offset to a degree by filing fee revenue.

Outlier cases always have the potential for great expense to the State, universities, or local governments (e.g. 2018 Michigan State University settlement of \$500.0 million paid to survivors). This analysis acknowledges the possibility of such costs to the State and local governments that could otherwise be barred without the statutory changes in the bill package.

Senate Bill 260

The bill would have a negative fiscal impact on districts, although there is no way to estimate the amount. It is not known how many instances of criminal sexual conduct by district employees occur during a year or would occur in the future, or what the average judgement in each instance would be; however, if a district were found liable in a case, the cost of the judgement would have a negative fiscal impact.

The bill would have an unknown but potentially significant negative fiscal impact on public universities, community college, and school districts, and no direct fiscal impact on the State. The bill would set certain conditions under which a public university, community college, or school district could be held liable for criminal sexual conduct committed by one of its employees. It is unknown how many future cases the bill potentially would affect, but it is likely that the overall number of civil cases regarding criminal sexual conduct by the employees of universities, community colleges, and school districts would increase due to decreased legal barriers facing such cases under the bill. An increase in these types of civil cases would increase costs for affected institutions by an unknown amount.

It is also likely that public universities, community colleges, and school districts would elect to conduct more stringent background checks on job candidates, create policies and procedures to improve reporting of suspected criminal sexual conduct, and make other institutional changes to help mitigate potential future liability. To the extent that affected institutions would choose to make these types of changes, those institutions likely would incur increased costs in doing so.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.