



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bill 875 (as reported without amendment)
Sponsor: Senator Margaret E. O'Brien
Committee: Judiciary

CONTENT

The bill would amend the Revised Judicature Act to do the following:

- Exempt a claim against the State for sexual misconduct committed against an individual who was less than 18 years old from requirements to file a claim or a notice of intention to file a claim, and to have the claim or notice signed and verified by an officer authorized to administer oaths, within certain time frames.
- Specify that such a claim or the notice required for such a claim could be filed at any time after the event or events that gave rise to the claim, and without the signature and verification otherwise required.
- Allow the Michigan Supreme Court to adopt special rules to allow a claimant to bring a claim without providing for the signature and verification, and in a manner that protected his or her identity.

The amendments would have to be applied retroactively to January 1, 1993.

"Sexual misconduct" would mean the following conduct, regardless of whether it resulted in a criminal conviction: female genital mutilation, contributing to the neglect or delinquency of a minor, accosting or soliciting a minor for immoral purposes, child sexually abusive activity, first-, second-, third-, or fourth-degree criminal sexual conduct (CSC), and assault with intent to commit CSC.

MCL 600.6431

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill would have an uncertain but likely fiscal cost to State government and no fiscal impact on local government. As the bill would exempt claims against the State for sexual misconduct involving a child from requirements to file a claim or notice within a certain time frame, and to have the claim or noticed signed and verified by an officer authorized to administer oaths, and would make the exemption retroactive to January 1, 1993, the possible cost to the State is uncertain. If the bill resulted in a large number of case filings, it could increase costs for administration and salaries. The bill also could result in significant costs to the State for judgments, settlements, and litigation costs.

Date Completed: 3-2-18

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