



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

BILL ANALYSIS



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

Senate Bill 876 (as introduced 2-27-18)

Sponsor: Senator Ken Horn

Committee: Judiciary

Date Completed: 2-27-18

CONTENT

The bill would amend the Revised Judicature Act to specify that periods of limitations for claims against the State would not apply to a claim of sexual misconduct committed against an individual who was less than 18 years of age.

Under Section 6452 of the Act, every claim against the State, cognizable by 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 of the Act (which pertains to the period of limitations for various actions) also applies to the limitation prescribed in Section 6452. Under the bill, these provisions would apply except as otherwise provided.

The bill specifies that the time limitations described above would not apply to a claim of sexual misconduct committed against an individual who was less than 18 years of age. The bill would have to be applied retroactively to January 1, 1993.

"Sexual misconduct" would mean the conduct described in Section 136, 145a, 145b, 145c, 520b, 520c, 520d, 520e, or 520g of the Michigan Penal Code, regardless of whether the conduct resulted in a criminal conviction. (Those sections prohibit the following conduct, respectively: female genital mutilation, contributing to the neglect or delinquency of a minor, accosting or soliciting a minor for immoral purposes, accosting or soliciting a minor for immoral purposes after a prior conviction, child sexually abusive activity, first-, second-, third-, and fourth-degree criminal sexual conduct (CSC), and assault with intent to commit CSC.)

The bill would take effect 90 days after its enactment.

MCL 600.6452

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 against minors from the period of limitations, and make the exemption retroactive to January 1, 1993, the possible cost to State government is uncertain. If the bill resulted in an unexpectedly large number of case filings, additional State assistance could be required for administrative costs and salaries. The bill could also result in significant costs to the State for judgments, settlements, and litigation costs.

Fiscal Analyst: Michael Siracuse

SAS\S1718\s876sa

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.