

SENATE BILL No. 875

February 27, 2018, Introduced by Senators O'BRIEN, JONES, HORN, KNOLLENBERG, KNEZEK, HERTEL, BIEDA, ROCCA, EMMONS, CONYERS, ANANICH, HOPGOOD, BRANDENBURG, STAMAS, MARLEAU, COLBECK, ZORN, KOWALL and SHIRKEY and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 6431 (MCL 600.6431).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6431. (1) ~~No~~**-EXCEPT AS OTHERWISE PROVIDED IN THIS**
2 **SECTION, A** claim may **NOT** be maintained against ~~the~~**THIS** state
3 unless the claimant, within 1 year after ~~such~~**THE** claim has
4 accrued, files in the office of the clerk of the court of claims
5 either a written claim or a written notice of intention to file a
6 claim against the state or any of its departments, commissions,
7 boards, institutions, arms, or agencies. ~~stating~~

8 (2) **EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A CLAIM OR**
9 **NOTICE UNDER SUBSECTION (1) MUST CONTAIN ALL OF THE FOLLOWING:**

10 (A) **A STATEMENT OF** the time when and the place where ~~such~~**THE**

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1 claim arose. ~~and in detail~~

2 (B) **A DETAILED STATEMENT OF** the nature of the ~~same~~ **CLAIM** and
3 of the items of damage alleged or claimed to have been sustained. ~~7~~
4 ~~which claim or notice shall be signed and verified by the claimant~~
5 ~~before an officer authorized to administer oaths.~~

6 (C) ~~(2) Such claim or notice shall designate~~ **A DESIGNATION OF**
7 any department, commission, board, institution, arm, or agency of
8 ~~the~~ **THIS** state involved in connection with ~~such~~ **THE** claim. ~~7~~ ~~and a~~
9 ~~copy of such~~

10 (D) **A SIGNATURE AND VERIFICATION BY THE CLAIMANT BEFORE AN**
11 **OFFICER AUTHORIZED TO ADMINISTER OATHS.**

12 (3) **A CLAIMANT SHALL FURNISH COPIES OF A** claim or notice ~~shall~~
13 ~~be furnished~~ **FILED UNDER SUBSECTION (1)** to the clerk at the time of
14 ~~the~~ filing of the original for transmittal to the attorney general
15 and to each of the departments, commissions, boards, institutions,
16 arms, or agencies **OF THIS STATE** designated **IN THE CLAIM OR NOTICE.**

17 (4) ~~(3) In all actions~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS**
18 **SECTION, FOR A CLAIM AGAINST THIS STATE** for property damage or
19 personal injuries, **THE** claimant shall file **THE CLAIM OR NOTICE**
20 **UNDER SUBSECTION (1)** with the clerk of the court of claims a ~~notice~~
21 ~~of intention to file a claim or the claim itself~~ within 6 months
22 ~~following the happening of~~ **AFTER** the event ~~giving~~ **THAT GIVES** rise
23 to the ~~cause of action.~~ **CLAIM.**

24 (5) **SUBSECTIONS (2) (D) AND (4) DO NOT APPLY TO A CLAIM FOR**
25 **SEXUAL MISCONDUCT COMMITTED AGAINST AN INDIVIDUAL WHO IS LESS THAN**
26 **18 YEARS OF AGE.**

27 (6) **THE CLAIM OR NOTICE REQUIRED FOR A CLAIM DESCRIBED IN**

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1 SUBSECTION (5) MAY BE FILED AT ANY TIME AFTER THE EVENT OR EVENTS
2 THAT GIVE RISE TO THE CLAIM.

3 (7) BOTH OF THE FOLLOWING APPLY TO A CLAIMANT WHO BRINGS A
4 CLAIM UNDER SUBSECTION (5):

5 (A) THE CLAIMANT MAY BRING HIS OR HER CLAIM WITHOUT PROVIDING
6 FOR THE SIGNATURE AND VERIFICATION REQUIRED UNDER SUBSECTION
7 (2)(D).

8 (B) THE CLAIMANT MAY BRING HIS OR HER CLAIM IN A MANNER THAT
9 PROTECTS HIS OR HER IDENTITY THROUGHOUT THE PROCEEDINGS.

10 (8) THE SUPREME COURT MAY ADOPT SPECIAL RULES OF PROCEDURE
11 UNDER SECTION 6422 TO IMPLEMENT SUBSECTION (7).

12 (9) SUBSECTIONS (5), (6), AND (7) MUST BE APPLIED
13 RETROACTIVELY TO JANUARY 1, <<1997>>.

14 (10) AS USED IN THIS SECTION, "SEXUAL MISCONDUCT" MEANS THE
15 CONDUCT DESCRIBED IN SECTIONS 136, 145A, 145B, 145C, 520B, 520C,
16 520D, 520E, AND 520G OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
17 750.136, 750.145A, 750.145B, 750.145C, 750.520B, 750.520C,
18 750.520D, 750.520E, AND 750.520G, REGARDLESS OF WHETHER THE CONDUCT
19 RESULTED IN A CRIMINAL CONVICTION UNDER THOSE SECTIONS.

20 Enacting section 1. This amendatory act takes effect 90 days
21 after the date it is enacted into law.