



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



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 1185 (Substitute S-3 as reported by the Committee of the Whole)
Sponsor: Senator Ron Jelinek
Committee: Judiciary

CONTENT

The bill would amend the Revised Judicature Act to require the court to award the payment of actual attorney fees and costs to an individual who was sued for civil damages for allegedly using deadly force or force other than deadly force against another individual, if the court determined that the individual used force in compliance with Section 2 of the Self-Defense Act (proposed by House Bill 5143) and that the individual was immune from civil liability under Section 2922b of the Revised Judicature Act (which, under House Bill 5548, would establish civil immunity for a person who used force against another in compliance with Section 2 of the proposed Act).

(Section 2 of the proposed Self-Defense Act would allow an individual who was not committing a crime to use deadly force anywhere he or she had a right to be, with no duty to retreat, if he or she honestly and reasonably believed that the use of deadly force was necessary to prevent imminent death, great bodily harm, or sexual assault. It also would allow a person to use force other than deadly force anywhere he or she had a right to be, with no duty to retreat, if he or she honestly and reasonably believed that the use of force was necessary to defend against the imminent unlawful use of force by another individual.)

The bill would take effect on October 1, 2006, and is tie-barred to Senate Bill 1046 and House Bills 5142, 5143, 5153, and 5548.

Proposed MCL 600.2922c

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 6-6-06

Fiscal Analyst: Stephanie Yu