

HOUSE BILL No. 5181

November 29, 2011, Introduced by Rep. O'Brien and referred to the Committee on Families, Children, and Seniors.

A bill to amend 1961 PA 236, entitled
"Revised judiciary act of 1961,"
(MCL 600.101 to 600.9947) by adding section 2977.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 2977. (1) AN ACTION MAY BE BROUGHT BY OR ON BEHALF OF AN
2 INDIVIDUAL INJURED BY A COERCIVE ACT. SUBJECT TO SUBSECTION (2), A
3 PLAINTIFF IN AN ACTION UNDER THIS SECTION MAY RECOVER DAMAGES FOR
4 EMOTIONAL DISTRESS AND OTHER DAMAGES ALLOWED BY LAW.

5 (2) IF THE DAMAGES AWARDED TO A PLAINTIFF IN AN ACTION UNDER
6 THIS SECTION FOR NONECONOMIC LOSS EXCEED \$5,000.00 AND DAMAGES
7 AWARDED TO THE PLAINTIFF IN THE ACTION FOR ECONOMIC LOSS ARE
8 \$5,000.00 OR LESS, THE AWARD FOR NONECONOMIC LOSS SHALL BE REDUCED
9 BY THE COURT TO \$5,000.00.

10 (3) A PERSON SHALL NOT BRING OR MAINTAIN AN ACTION UNDER THIS
11 SECTION UNLESS THE ACTION IS COMMENCED WITHIN EITHER OF THE

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1 FOLLOWING PERIODS:

2 (A) THREE YEARS AFTER THE CLAIM FIRST ACCRUES TO THE
3 INDIVIDUAL INJURED BY THE COERCIVE ACT.

4 (B) IF THE INDIVIDUAL INJURED BY THE COERCIVE ACT IS LESS THAN
5 18 YEARS OF AGE AT THE TIME THE CLAIM FIRST ACCRUES, 1 YEAR AFTER
6 THE INDIVIDUAL REACHES 18 YEARS OF AGE.

7 (4) THIS SECTION DOES NOT CREATE A RIGHT TO ABORTION.
8 NOTWITHSTANDING ANY PROVISION OF THIS SECTION, A PERSON SHALL NOT
9 PERFORM AN ABORTION THAT IS PROHIBITED BY LAW.

10 (5) AS USED IN THIS SECTION:

11 (A) "COERCIVE ACT" MEANS AN ACT THAT IS PROHIBITED BY SECTION
12 213A OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.213A.

13 (B) "ECONOMIC LOSS" MEANS THAT TERM AS DEFINED IN SECTION
14 2945.

15 (C) "EMOTIONAL DISTRESS" MEANS SIGNIFICANT MENTAL SUFFERING OR
16 DISTRESS THAT MAY, BUT DOES NOT NECESSARILY, REQUIRE MEDICAL OR
17 OTHER PROFESSIONAL TREATMENT OR COUNSELING.

18 (D) "NONECONOMIC LOSS" MEANS THAT TERM AS DEFINED IN SECTION
19 2945.

20 Enacting section 1. This amendatory act takes effect October
21 1, 2012.

22 Enacting section 2. This amendatory act does not take effect
23 unless all of the following bills of the 96th Legislature are
24 enacted into law:

25 (a) House Bill No. 4798.

26 (b) House Bill No. 4799.

27 [(c) House Bill No. 5134.

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1 (d) House Bill No. 5182.

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