

HOUSE BILL No. 5009

June 27, 1991, Introduced by Reps. Bandstra, McNutt, Dolan, Harder, DeBeaussaert, Gubow, Yokich, Fitzgerald, Horton, Bodem, Dalman, Brackenridge, Profit, Bennane, Bobier and Perry Bullard and referred to the Committee on Judiciary.

A bill to amend Act No. 236 of the Public Acts of 1961, entitled as amended "Revised judicature act of 1961," as amended, being sections 600.101 to 600.9947 of the Michigan Compiled Laws, by adding section 5857.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 236 of the Public Acts of 1961, as
2 amended, being sections 600.101 to 600.9947 of the Michigan
3 Compiled Laws, is amended by adding section 5857 to read as
4 follows:

5 SEC. 5857. (1) NOTWITHSTANDING A PERIOD OF LIMITATION OTH-
6 ERWISE PRESCRIBED BY THIS ACT, A PERSON MAY BRING AN ACTION TO
7 RECOVER DAMAGES FOR INJURY THAT RESULTS FROM AN ACT OF SEXUAL
8 ABUSE COMMITTED AGAINST THE PLAINTIFF BY THE DEFENDANT IF THE
9 ACTION IS COMMENCED WITHIN 3 YEARS AFTER THE PLAINTIFF ACHIEVES

1 THE AGE OF MAJORITY OR WITHIN 3 YEARS AFTER THE PLAINTIFF
2 DISCOVERS OR SHOULD HAVE DISCOVERED THAT THE SEXUAL ABUSE CAUSED
3 THE INJURY, WHICHEVER IS LATER. IF THE ACTION ASSERTS THAT THE
4 DEFENDANT COMMITTED MORE THAN 1 ACT OF SEXUAL ABUSE AGAINST THE
5 PLAINTIFF, A PERSON MAY BRING THE ACTION IF IT IS COMMENCED
6 WITHIN 3 YEARS AFTER THE PLAINTIFF ACHIEVES THE AGE OF MAJORITY
7 OR AFTER THE PLAINTIFF DISCOVERS OR SHOULD HAVE DISCOVERED THE
8 EFFECT OF THE INJURY ATTRIBUTABLE TO ANY 1 OF THE ACTS OF ABUSE
9 OR THE EFFECT OF THE INJURY ATTRIBUTABLE TO THE SERIES OF ACTS,
10 WHICHEVER IS LATER.

11 (2) THIS SECTION ONLY APPLIES IF, AT THE TIME OF THE CLAIMED
12 SEXUAL ABUSE, THE DEFENDANT WAS A MEMBER OF THE FAMILY OR HOUSE-
13 HOLD OF THE PLAINTIFF.

14 (3) AS USED IN THIS SECTION, "ACT OF SEXUAL ABUSE" MEANS
15 CONDUCT THAT IS PROSCRIBED BY ANY OF THE FOLLOWING:

16 (A) SECTION 145C OF THE MICHIGAN PENAL CODE, ACT NO. 328 OF
17 THE PUBLIC ACTS OF 1931, BEING SECTION 750.145C OF THE MICHIGAN
18 COMPILED LAWS.

19 (B) SECTIONS 520A TO 520G OF ACT NO. 328 OF THE PUBLIC ACTS
20 OF 1931, BEING SECTIONS 750.520A TO 750.520G OF THE MICHIGAN
21 COMPILED LAWS.

22 (C) A PRIOR LAW SIMILAR TO A SECTION CITED IN SUBDIVISION
23 (A) OR (B) THAT WAS EFFECTIVE AT THE TIME OF THE CONDUCT.