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**SFA****BILL ANALYSIS**

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Senate Bill 718 (Substitute S-6 as reported)  
Sponsor: Senator Robert Geake  
Committee: Judiciary

## **CONTENT**

The bill would amend the Revised Judicature Act to require a court to dismiss a civil action by a perpetrator for personal injury or death that occurred during the commission of or immediate flight from a felony, or from acts that could result in a conviction or determination of responsibility for a felony, if 1) the perpetrator were convicted of an "itemized crime"; 2) the perpetrator were convicted of a felony other than an itemized crime, and (if the injury or death resulted from physical force) the person who caused the injury or death had acted under a reasonable belief that physical force was reasonable and appropriate for self-defense or defense of others or to prevent the commission of a felony, and used a degree of force that the person reasonably believed necessary; or 3) the perpetrator were found by clear and convincing evidence in the civil action to have committed acts that were the elements of a felony, and the physical force standard were met. The court also would have to award costs and attorneys fees to the person against whom the civil action was brought.

If a plaintiff in a civil action were charged with a felony or alleged responsible for a felony under the juvenile code, the court would have to stay the civil action in regard to that plaintiff until the final disposition of the felony case, if, upon a defendant's motion, the court found probable cause to believe that the civil action in regard to that plaintiff was a civil action by a perpetrator.

"Perpetrator" would mean an individual who was convicted of a felony; who was determined to be responsible for a felony under the juvenile code; or who had committed acts that could result in a conviction for a felony. "Felony" would mean a violation of a law of this State or the United States that was designated as a felony or punishable by death or imprisonment for more than one year.

"Itemized crime" would mean burning a dwelling house or other real property; assault with intent to commit murder, to do great bodily harm, to maim, or to rob while armed; attempted murder; breaking and entering; home invasion; child sexually abusive activity; first- or second-degree murder; kidnapping; kidnapping a child under 14; mayhem; first-degree criminal sexual conduct; armed robbery; carjacking; bank robbery; or the manufacture, delivery, possession with intent to deliver, or possession of 650 or more grams of a Schedule 1 or 2 narcotic or cocaine.

Proposed MCL 600.2955b

Legislative Analyst: S. Lowe

## **FISCAL IMPACT**

The bill would have an indeterminate impact on the State and local units of government to the extent that it could bar future actions for damages against the State and local units of government.

Date Completed: 11-17-97

Fiscal Analyst: B. Bowerman

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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.