

Senate Fiscal Agency  
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**SFA****BILL ANALYSIS**

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House Bill 4187 (Substitute H-2 as passed by the House)  
House Bill 4524 (Substitute H-2 as passed by the House)  
Sponsor: Representative Deborah Cherry (House Bill 4187)  
Representative Marc Shulman (House Bill 4524)  
House Committee: Family and Civil Law  
Senate Committee: Judiciary

Date Completed: 11-22-99

### **CONTENT**

**House Bills 4187 (H-2) and 4524 (H-2) would amend the same section of the Revised Judicature Act (RJA) to extend the period of limitations for an action charging assault or battery brought by a victim of “domestic violence” and for an action to recover damages for injury to a person or property brought by a victim of domestic violence.** The bills are tie-barred.

Under both bills, “domestic violence” would mean inflicting bodily injury causing serious emotional injury or psychological trauma, or placing in fear of imminent physical harm by threat or force by an assailant against a victim, if both of the following applied:

- The victim was a person assaulted by or threatened by assault by his or her spouse, former spouse, or a person with whom he or she had a child in common, or an adult person or emancipated minor assaulted by an adult person of the opposite sex with whom the assaulted person was living or formerly had lived.
- The victim and assailant were currently or formerly involved in a consensual sexual relationship.

#### **House Bill 4187 (H-2)**

Under the RJA, the period of limitations is two years for an action charging assault, battery, or false imprisonment. Under the bill, the period of limitations would be five years for an action charging assault or battery brought by a victim of domestic violence. The five-year limitation would apply to causes of action arising on or after the date of the bill's enactment and to causes of action in which the RJA's two-year period for assault, battery, or false imprisonment had not already expired as of the date of the bill's enactment.

#### **House Bill 4524 (H-2)**

Under the RJA, for an action to recover damages for the death of a person or for injury to a person or property, the period of limitations is three years after the time of the death or injury. Under the bill, the period of limitations would be five years for an action to recover damages for injury to a person or property brought by a victim of domestic violence. The five-year limitation would apply to causes of action arising on or after the date of the bill's enactment and to causes of action in which the three-year period to recover damages for the

death of a person or for injury to a person or property had not already expired as of the date of the bill's enactment.

MCL 600.5805

Legislative Analyst: P. Affholter

**FISCAL IMPACT**

There are no comprehensive Statewide data on the number of potential cases that could come under the proposed five-year statute of limitations under the bills.

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.