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

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House Bill 5232 (Substitute S-1 as reported)  
Sponsor: Representative Jim Howell  
House Committee: Family and Civil Law  
Senate Committee: Judiciary

### **CONTENT**

The bill would amend the Revised Judicature Act to require that a court dismiss an action for damages for an individual's injury or death that occurred while he or she was committing, or fleeing from committing, a felony or acts that would constitute a felony. The court also would have to order the plaintiff to pay each defendant's costs and actual attorney fees.

Specifically, a court would have to dismiss with prejudice a plaintiff's action for an individual's bodily injury or death if the injury or death occurred during the individual's commission, or flight from the commission, of a felony, and/or the individual's acts or flight from acts that the finder of fact in a civil action found, by clear and convincing evidence, to constitute all the elements of a felony.

If the injury or death resulted from force, the court could not dismiss the action and award costs unless it found that the defendant used a degree of force appropriate either to prevent injury to the defendant or others or to prevent or respond to a felony. The court could not consider the fact that the defendant might not have known that the plaintiff's actions or attempted actions would be a felony.

If a proceeding regarding a felony were pending and the defendant were a plaintiff in a civil action for damages for his or her own injury, the court would have to stay the civil action until the final disposition of the proceeding concerning the felony, if the defendant moved to dismiss the plaintiff's claim based on the bill's requirement to dismiss and award costs and the court found probable cause to believe that the bill's dismissal requirement applied to the plaintiff's claim against the defendant.

The period of limitations to bring a civil action would be tolled during each criminal action or a juvenile adjudication, including appeals, if the civil action were based on the same events.

Proposed MCL 600.2955b

Legislative Analyst: P. Affholter

### **FISCAL IMPACT**

The bill would have an indeterminate impact. The number of future cases that could be dismissed under the bill cannot be estimated.

Date Completed: 5-12-00

Fiscal Analyst: B. Bowerman