

Act No. 176
Public Acts of 2000
Approved by the Governor
June 20, 2000
Filed with the Secretary of State
June 20, 2000
EFFECTIVE DATE: September 18, 2000

**STATE OF MICHIGAN
90TH LEGISLATURE
REGULAR SESSION OF 2000**

Introduced by Reps. Howell, Godchaux, Van Woerkom, Ehardt, Richner, Mortimer, Patterson, Hart, Julian, Bishop, Kuipers, Garcia, Kowall, Allen, Vear, Caul, Bisbee and Birkholz
Reps. Basham, Bovin, Bradstreet, Byl, Callahan, DeHart, DeRossett, DeVuyst, DeWeese, Faunce, Gilbert, Gosselin, Hager, Jelinek, Jellema, Ruth Johnson, Kukuk, LaSata, Law, Lemmons, Mans, Mead, Middaugh, Pappageorge, Rocca, Schermesser, Scranton, Shackleton, Shulman, Stallworth, Stamas, Tabor, Toy, Vander Roest, Voorhees, Wojno, Woodward and Woronchak named co-sponsors

ENROLLED HOUSE BILL No. 5232

AN ACT to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of such courts, and of the judges and other officers thereof; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in said courts; pleading, evidence, practice and procedure in civil and criminal actions and proceedings in said courts; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," (MCL 600.101 to 600.9948) by adding section 2955b.

The People of the State of Michigan enact:

Sec. 2955b. (1) Except as otherwise provided in this section, the court shall dismiss with prejudice a plaintiff's action for an individual's bodily injury or death and shall order the plaintiff to pay each defendant's costs and actual attorney fees if the bodily injury or death occurred during 1 or more of the following:

(a) The individual's commission, or flight from the commission, of a felony.

(b) The individual's acts or flight from acts that the finder of fact in the civil action finds, by clear and convincing evidence, to constitute all the elements of a felony.

(2) If the bodily injury or death described in subsection (1) resulted from force, the court shall not apply subsection (1) to the claim of the plaintiff against a defendant who caused the individual's bodily injury or death unless the court finds that the particular defendant did either of the following:

(a) Used a degree of force that a reasonable person would believe to have been appropriate to prevent injury to the defendant or to others.

(b) Used a degree of force that a reasonable person would believe to have been appropriate to prevent or respond to the commission of a felony. In making a finding under this subsection, the court shall not consider the fact that the defendant may not have known that the plaintiff's actions or attempted actions would be the commission of a felony.

(3) If a proceeding is pending regarding an individual's commission of a felony and the individual is a plaintiff in a civil action for damages for his or her own bodily injury, the court shall stay the plaintiff's civil action in regard to a

claim against a particular defendant until the final disposition of the proceeding on the individual's commission of a felony, including appeals, but only if both of the following occur:

(a) The defendant moves under subsection (1) to dismiss the plaintiff's claim in regard to the defendant.

(b) The court finds probable cause to believe that subsection (1) applies to the plaintiff's claim against the defendant.

(4) The period of limitations to bring a civil action for damages for an individual's bodily injury or death is tolled during each period of time that a court proceeding is pending regarding the individual in a criminal action or an adjudication under chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.1 to 712A.32, including appeals, but only if the civil action is based on the same events as the criminal action or adjudication.

(5) At any point in time that section 1902 applies to an individual or events, this section does not apply to the individual or the events.

(6) This section applies only to a civil action filed on or after the effective date of the amendatory act that added this section.

(7) As used in this section:

(a) "Commission of a felony" means either of the following:

(i) A conviction for a felony.

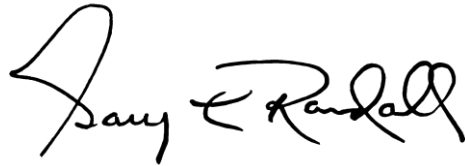
(ii) An adjudication under chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.1 to 712A.32, holding an individual responsible for an offense that if committed by an adult would be a felony.

(b) "Felony" means a violation of a law of this state or of the United States that is designated as a felony or that is punishable by death or imprisonment for more than 1 year.

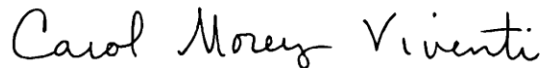
(c) "Plaintiff" includes, but is not limited to, an individual who, or an estate that, brings an action for the bodily injury or death.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted.

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved

Governor.