

SENATE BILL No. 1030

March 2, 2004, Introduced by Senators JACOBS, GOSCHKA, BASHAM, THOMAS, SWITALSKI, CLARK-COLEMAN, OLSHOVE, CHERRY and PRUSI and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled "Revised judicature act of 1961," by amending section 5805 (MCL 600.5805), as amended by 2002 PA 715.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5805. (1) A person shall not bring or maintain an
2 action to recover damages for ~~injuries to persons~~ **injury to a**
3 **person** or property unless, after the claim first accrued to the
4 plaintiff or to someone through whom the plaintiff claims, the
5 action is commenced within the ~~periods~~ **applicable period** of
6 time prescribed by this section.

7 (2) ~~The~~ **Except as otherwise provided in this section, the**
8 period of limitations is 2 years for an action charging assault,
9 battery, or false imprisonment.

10 (3) The period of limitations is 5 years for an action

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1 charging assault or battery brought by a person who has been
2 assaulted or battered by his or her spouse or former spouse, an
3 individual with whom he or she has had a child in common, or a
4 person with whom he or she resides or formerly resided. This
5 limitation applies to causes of action arising on or after
6 February 17, 2000 and to causes of action in which the period of
7 limitations described in subsection (2) has not already expired
8 as of February 17, 2000.

9 (4) The period of limitations is 5 years for an action
10 charging assault and battery brought by a person who has been
11 assaulted or battered by an individual with whom he or she has or
12 has had a dating relationship. This limitation applies to causes
13 of action arising on or after January 1, 2003 and to causes of
14 action in which the period of limitations described in subsection
15 (2) has not already expired as of January 1, 2003.

16 (5) The period of limitations is 2 years for an action
17 charging malicious prosecution.

18 (6) Except as otherwise provided in this chapter, the period
19 of limitations is 2 years for an action charging malpractice.

20 (7) The period of limitations is 2 years for an action
21 against a sheriff charging misconduct or neglect of office by the
22 sheriff or the sheriff's deputies.

23 (8) The period of limitations is 2 years after the expiration
24 of the year for which a constable was elected for actions based
25 on the constable's negligence or misconduct as constable.

26 (9) The period of limitations is 1 year for an action
27 charging libel or slander.

1 (10) ~~The~~ **Except as otherwise provided in this section, the**
2 period of limitations is 3 years after the time of the death or
3 injury for ~~all other actions~~ **an action** to recover damages for
4 the death of a person, or for injury to a person or property.

5 (11) The period of limitations is 5 years for an action to
6 recover damages for injury to a person or property brought by a
7 person who has been assaulted or battered by his or her spouse or
8 former spouse, an individual with whom he or she has had a child
9 in common, or a person with whom he or she resides or formerly
10 resided. This limitation applies to causes of action arising on
11 or after February 17, 2000 and to causes of action in which the
12 period of limitations described in subsection (10) has not
13 already expired as of February 17, 2000.

14 (12) The period of limitations is 5 years for an action to
15 recover damages for injury to a person or property brought by a
16 person who has been assaulted or battered by an individual with
17 whom he or she has or has had a dating relationship. This
18 limitation applies to causes of action arising on or after
19 January 1, 2003 and to causes of action in which the period of
20 limitations described in subsection (2) has not already expired
21 as of January 1, 2003.

22 (13) The period of limitations is 3 years for a products
23 liability action. However, in the case of a product that has
24 been in use for not less than 10 years, the plaintiff, in proving
25 a prima facie case, ~~shall be~~ **is** required to do so without
26 benefit of any presumption.

27 (14) The period of limitations for an action against a state

1 licensed architect, professional engineer, land surveyor, or
2 contractor based on an improvement to real property ~~shall be~~ **is**
3 as provided in section 5839.

4 **(15) An action to recover damages for personal injury**
5 **sustained as the result of sexual conduct with a person who at**
6 **the time of the conduct was less than 18 years of age may be**
7 **brought at any time, without limitation.**

8 **(16) —(15)— As used in this section: —,"dating**

9 **(a) "Dating relationship" means frequent, intimate**
10 **associations primarily characterized by the expectation of**
11 **affectional involvement. Dating relationship does not include a**
12 **casual relationship or an ordinary fraternization between 2**
13 **individuals in a business or social context.**

14 **(b) "Sexual conduct" means sexual penetration or sexual**
15 **contact with a victim by a person in a position of authority over**
16 **the victim.**

17 **(c) "Sexual contact", "sexual penetration", and "victim" mean**
18 **those terms as defined in section 520a of the Michigan penal**
19 **code, 1931 PA 328, MCL 750.520a.**