

# SENATE BILL No. 132

February 1, 2005, Introduced by Senators SANBORN, BIRKHOLZ, THOMAS, GARCIA, BARCIA, BISHOP, PATTERSON, CLARKE, CROPSEY, BROWN, JELINEK, CASSIS, GOSCHKA and ALLEN and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled  
"Revised judicature act of 1961,"  
(MCL 600.101 to 600.9947) by adding section 2975.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 2975. (1) A PERSON WHO IS INJURED BY CONDUCT THAT IS A  
2        VIOLATION OF SECTION 539D OR 539J OF THE MICHIGAN PENAL CODE, 1931  
3        PA 328, MCL 750.539D AND 750.539J, MAY RECOVER ALL OF THE FOLLOWING  
4        IN A CIVIL ACTION AGAINST THE PERSON WHO ENGAGED IN THE CONDUCT:

5        (A) ACTUAL DAMAGES, INCLUDING DAMAGES FOR PHYSICAL INJURY AND  
6        MENTAL ANGUISH, UPSET, OR DISTRESS.

7        (B) PUNITIVE DAMAGES IN AN AMOUNT DETERMINED TO BE APPROPRIATE  
8        BY THE TRIER OF FACT AFTER CONSIDERING THE SERIOUSNESS OF THE  
9        DEFENDANT'S CONDUCT AND THE ABILITY OF THE DEFENDANT TO PAY, BUT

1 NOT LESS THAN \$5,000.00.

2 (C) COURT COSTS AND REASONABLE ATTORNEY FEES.

3 (2) A PERSON WHO DOES NOT DIRECTLY AID, CONTRIBUTE, OR ASSIST  
4 IN THE CONDUCT THAT IS THE SUBJECT OF AN ACTION UNDER SUBSECTION  
5 (1) IS NOT LIABLE UNDER THIS SECTION UNLESS THE PERSON ACTED WITH  
6 WILLFUL AND WANTON DISREGARD FOR THE PLAINTIFF.

7 (3) THE REMEDY PROVIDED BY THIS SECTION IS IN ADDITION TO ANY  
8 OTHER REMEDY OR PENALTY AVAILABLE.