

Legislative Analysis



PROHIBIT EXPRESSION OF SYMPATHY AS EVIDENCE IN CIVIL ACTIONS

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Senate Bill 53

Sponsor: Sen. Jim Marleau

House Committee: Judiciary

Senate Committee: Judiciary

Complete to 2-23-11

A SUMMARY OF SENATE BILL 53 AS PASSED BY THE SENATE 2-8-11

Under the bill, an admissibility of an expression of sympathy or compassion could not be considered as evidence of liability in a medical malpractice action.

Senate Bill 53 would add a new section to the Revised Judicature Act (MCL 600.2155) to specify that a statement, writing, or action that expressed sympathy, compassion, commiseration, or a general sense of benevolence relating to the pain, suffering, or death of an individual that had been made to the individual or his or her family would not be admissible as evidence of an admission of liability in an action for medical malpractice. The bill's provisions would apply only to civil actions filed on or after the bill's effective date.

A statement of fault, negligence, or culpable conduct that was part of or made in addition to a statement, writing, or action described above would not be excluded under the bill and therefore could remain admissible.

"Family" would mean a spouse, parent, grandparent, stepmother or stepfather, adopted or natural child, grandchild, brother or sister, half- brother or sister, or father- or mother-in-law.

FISCAL IMPACT:

Senate Bill 53 would have no fiscal impact on state or local government, including the judicial branch.

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