



**Senate Fiscal Agency**  
P. O. Box 30036  
Lansing, Michigan 48909-7536

BILL



ANALYSIS

**Telephone: (517) 373-5383**  
**Fax: (517) 373-1986**

Senate Bill 872 (as reported without amendment)  
Sponsor: Senator David Knezek  
Committee: Judiciary

### **CONTENT**

The bill would amend the Revised Judicature Act to provide for a 30-year period of limitations for an action based on conduct that constituted criminal sexual conduct (CSC). For this purpose, it would not be necessary that a criminal prosecution or other proceeding have been brought as a result of the conduct or, if a criminal prosecution or other proceeding were brought, that the prosecution or proceedings resulted in a conviction.

In addition, under the bill, an individual who was a victim of CSC while a minor could commence an action to recover damages sustained because of the CSC at any time before he or she reached 48 years of age.

The bill indicates that these provisions would apply to actions to recover damages for conduct constituting CSC that occurred after December 31, 1992.

As used in the bill, "criminal sexual conduct" would mean first-, second-, third-, or fourth-degree CSC, or assault with intent to commit second-degree CSC or assault with intent to commit CSC involving sexual penetration.

MCL 600.5805 et al.

Legislative Analyst: Jeff Mann

### **FISCAL IMPACT**

The bill would have an indeterminate fiscal impact on State and local government. The State and local units of government could face indeterminate liability in the form of judgments, settlements, and litigation costs for the actions of their employees going back to December 31, 1992, if governmental immunity did not apply. The ability of any particular local unit of government to absorb the cost of a judgment would depend upon the severity of the judgment and the financial health of the local unit of government. To the extent that the bill led to an increase in the number of actions commenced in the circuit court, local units of government could incur some increase in administrative costs. Any increase in costs, however, would be offset to some degree by a corresponding increase in applicable filing fees, motion fees, and other court-imposed fees or payments.

In addition, an increase in caseloads could influence the Judicial Resources Recommendations report, which evaluates caseloads and makes recommendations for increases or decreases in judgeships for circuit, district, and probate courts every two years. As a result, judgeships and staffing costs could increase as a result of the bill increasing State and local costs.

Date Completed: 3-5-18

Fiscal Analyst: John Maxwell  
Michael Siracuse