



**Senate Fiscal Agency**  
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BILL



ANALYSIS

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House Bill 4641 (Substitute H-1 as passed by the House)  
Sponsor: Representative Stephanie Chang  
House Committee: Law and Justice  
Senate Committee: Judiciary

Date Completed: 6-13-17

### **CONTENT**

**The bill would amend the Revised Judicature Act (RJA) to allow an individual who, while a minor, was a victim of female genital mutilation to recover damages sustained because of the female genital mutilation at any time before she reached 28 years of age**

The bill is tie-barred to House Bills 4636 and 4661, and would take effect 90 days after its enactment. (House Bill 4636 would add Section 136 to the Michigan Penal Code to prohibit a person from knowingly performing a surgical operation to circumcise, incise, excise, or infibulate all or any part of the labia majora, labia minora, or clitoris of a person under 18 years of age. House Bill 4661 would add Section 2978 to the RJA to allow a victim of female genital mutilation to bring an action for damages sustained because of the offense.)

Generally, under Section 5851 of the RJA, if an individual entitled to bring an action is under 18 years of age or insane at the time the claim accrues, the individual or someone claiming under the individual has one year after the disability is removed through death or otherwise, to bring the action although the period of limitations has run. However, if at the time a claim alleging medical malpractice accrues to an individual, he or she has not reached his or her 13th birthday and if the claim involves an injury to the person's reproductive system, a person may not bring an action based on the claim unless the action is commenced on or before his or her 15th birthday or within the period of limitations set forth in Section 5838a (generally two years or within six months after the plaintiff discovers or should have discovered the existence of the claim, whichever is later). If, at the time a claim alleging medical malpractice accrues to an individual, the person has reached his or her 13th birthday and the claim involves an injury to the person's reproductive system, he or she is subject to the period of limitations set forth in Section 5838a.

Under the bill, notwithstanding Section 5851, an individual who, while a minor, was a victim of female genital mutilation could commence an action under proposed Section 2978 or as otherwise allowed by law to recover damages sustained because of the female genital mutilation at any time before the individual reached 28 years of age. "Female genital mutilation would mean conduct that is a violation of Section 136 of the Michigan Penal Code, or, if it were to occur in the State, would be a violation of Section 136 of the Code.

Proposed MCL 600.5851a

Legislative Analyst: Jeff Mann

## **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Ryan Bergan

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.