



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

BILL



ANALYSIS

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

House Bill 4661 (Substitute H-1 as passed by the House)

Sponsor: Representative Beth Griffin

House Committee: Law and Justice

Senate Committee: Judiciary

Date Completed: 6-13-17

## **CONTENT**

**The bill would amend the Revised Judicature Act to allow an individual who was a victim of female genital mutilation to bring an action for damages sustained because of the offense.**

The bill is tie-barred to House Bills 4636 and 4641, 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 4641 would allow an individual who, while a minor, was a victim of female genital mutilation to recover damages sustained because of the offense at any time before she reached the age of 28.)

Specifically, House Bill 4661 (H-1) would allow an individual who was a victim of female genital mutilation to bring an action, in a court of competent jurisdiction, for damages sustained because of the female genital mutilation. "Female genital mutilation" would mean that term as defined in Section 5851a (which House Bill 4641 would add): 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 Penal Code.

In such an action, the court could award of the following: a) triple the amount of actual damages sustained; b) damages for noneconomic loss; and c) costs and reasonable attorney fees. "Noneconomic loss" would mean damages or loss due to pain, suffering, inconvenience, physical impairment, or physical disfigurement, loss of society and companionship, loss of consortium, and other noneconomic loss.

The remedy provided by the bill would be in addition to any other right or remedy the individual could have at law or otherwise.

Proposed MCL 600.2978

Legislative Analyst: Jeff Mann

## **FISCAL IMPACT**

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

Fiscal Analyst: Ryan Bergan

SAS\S1718\s4661sa

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.