

Legislative Analysis



SETTLEMENT FOR CLAIM OF SEXUAL ASSAULT OR HARRASSMENT: DISCLOSE NAME OF ACCUSED

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4920 (proposed substitute H-1)
Sponsor: Rep. Steven Johnson

Analysis available at
<http://www.legislature.mi.gov>

House Bill 5281 (proposed substitute H-1)
Sponsor: Rep. Andrew Fink

Committee: Oversight
Complete to 10-7-21

SUMMARY:

House Bills 4920 and 5281 would provide, in cases where a settlement agreement has been entered into because of a claim of sexual assault or sexual harassment committed by a state legislator or an elected executive official, that the settlement amount and the name of the individual identified in the claim must be made available to the public upon request.

Specifically, the bills would require, notwithstanding a court order to the contrary, that if a settlement agreement providing for the payment of money is entered into because of a claim of sexual assault or sexual harassment committed by a *legislator* or an *elected executive official*, the Senate or House of Representatives or the state department or agency the elected executive official works for, as applicable, must upon request make available to the public the name of the legislator or elected executive official identified in the claim and the amount of the settlement. The name of an individual claiming sexual assault or sexual harassment by a legislator or elected executive official could not be made available to the public under either bill. Each bill would apply to a settlement agreement entered into on or after its effective date.

Legislator would mean a member of the Michigan Senate or House of Representatives.

Elected executive official would mean an individual who holds elective office in the executive branch of the state. (Elective offices in the executive branch include the offices of governor, lieutenant governor, secretary of state, and attorney general.)

House Bill 4920 would add a new section to 1846 RS 2 ("Of the legislature") to apply to a claim made against a *legislator*. (Proposed MCL 4.82a)

House Bill 5281 would create a new act to apply to a claim against an *elected executive official*.

The bills are tie-barred to each other, which means that neither could take effect unless both were enacted. Each bill would take effect 90 days after its enactment.

FISCAL IMPACT:

The bills would have no fiscal impact on the state or local units of government.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.