



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

BILL ANALYSIS



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

Senate Bills 257 through 261 (as reported without amendment)

Sponsor: Senator Kevin Hertel (S.B. 257)

Senator Sam Singh (S.B. 258)

Senator Mallory McMorrow (S.B. 259)

Senator Jeff Irwin (S.B. 260)

Senator Veronica Klinefelt (S.B. 261)

Committee: Civil Rights, Judiciary, and Public Safety

CONTENT

Senate Bill 257 would amend the Revised Judicature Act to do the following:

- Allow an individual who was the victim of criminal sexual conduct to commence an action for damages within 10 years of the crime, by the age of 42, or within seven years of discovering the injury and connection to the misconduct, whichever was later.
- Allow an action to recover damages sustained because of criminal sexual conduct to be brought at any time if there were a criminal prosecution brought as a result of the conduct that resulted in a conviction for that conduct.
- Regardless of the limitations above, allow an individual who was a victim of criminal sexual conduct before the bill's effective date to commence an action to recover damages within a year after the effective date and specify that the claimant could not recover more than \$1.5 million in damages from a single defendant.

Senate Bill 258 would amend the Revised Judicature Act to delete a 10-year period of limitations for bringing an action to recover damages sustained because of criminal sexual conduct and instead refer to the period of limitations prescribed under Senate Bill 257.

Senate Bill 259 would amend the Revised Judicature Act to exempt a claim to recover damages because of criminal sexual conduct from the permanent bar on bringing a claim against the State.

Senate Bill 260 would amend the governmental immunity Law to do the following:

- Remove immunity from tort liability for a public university, public college, and a school district whose employee engaged in criminal sexual conduct while working if the institution were negligent in the hiring, supervision, or training of the employee or the institution knew of the conduct and did not report it.
- Allow a public university, public college, or a school district to be held liable for criminal sexual conduct of an employee if the entity could have known about conduct and failed to act or intervene to prevent the conduct.
- Specify that the bill's provisions would apply retroactively to a claim under Section 5851b to recover damages for criminal sexual conduct, which Senate Bill 257 would amend.

Senate Bill 261 would amend the Revised Judicature Act to specify that the time requirements to file a claim or notice of intent to file a claim with the Court of Claims would not apply to a claim for compensation under Section 5851b of the Revised Judicature Act to recover damages for criminal sexual conduct.

MCL 600.5851b (S.B. 257)

600.5805 (S.B. 258)
600.6452 (S.B. 259)
691.1407 (S.B. 260)
600.6431 (S.B. 261)

BRIEF RATIONALE

As of 2023, Michigan had the third highest forcible rape rate per 100,000 inhabitants in the Country.¹ According to testimony before the Senate Committee on Civil Rights, Judiciary, and Public Safety, survivors of sexual abuse often face barriers in reporting sexual abuse, such as fear of retribution or social and cultural stigma, which may lead to those who have experienced childhood sexual abuse delaying disclosure well into adulthood. Accordingly, it has been suggested to extend statutes of limitations for victims of these crimes to allow them to report and seek justice against their abusers.

PREVIOUS LEGISLATION

(This section does not provide a comprehensive account of previous legislative efforts on this subject matter.)

Senate Bills 257, 258, 259, 260, and 261 are respectively reintroductions of Senate Bills 1187, 1188, 1189, 1191, and 1192 of the 2023-2024 Legislative Session. Senate Bills 1187, 1188, 1189, 1191, and 1192 passed the Senate and were referred to the House Committee on Government Operations but received no further action.

Legislative Analyst: Eleni Lionas

FISCAL IMPACT

Senate Bills 257 through 259 & 261

The bills would have a minimal fiscal impact on State and local courts. Fewer civil claims would be barred by the statute of limitations or governmental immunity; however, the degree to which civil claims for criminal sexual conduct would increase is unknown. While additional claims could mean more expenses for courts, primarily circuit courts in this case, such expenses would be offset to a degree by filing fee revenue.

Outlier cases always have the potential for great expense to the State, universities, or local governments (e.g. 2018 Michigan State University settlement of \$500.0 million paid to survivors). This analysis acknowledges the possibility of such costs to the State and local governments that could otherwise be barred without the statutory changes in the bill package.

Senate Bill 260

The bill would have a negative fiscal impact on districts, although there is no way to estimate the amount. It is not known how many instances of criminal sexual conduct by district employees occur during a year or would occur in the future, or what the average judgement in each instance would be; however, if a district were found liable in a case, the cost of the judgement would have a negative fiscal impact.

The bill would have an unknown but potentially significant negative fiscal impact on public universities, community college, and school districts, and no direct fiscal impact on the State. The bill would set certain conditions under which a public university, community college, or school district could be held liable for criminal sexual conduct committed by one of its

¹ "Forcible Rape Rate per 100,000 Inhabitants in the United States in 2023, by State", Statista.
<https://www.statista.com/statistics/232563/forcible-rape-rate-in-the-us-by-state/> Retrieved 5-6-25.

employees. It is unknown how many future cases the bill potentially would affect, but it is likely that the overall number of civil cases regarding criminal sexual conduct by the employees of universities, community colleges, and school districts would increase due to decreased legal barriers facing such cases under the bill. An increase in these types of civil cases would increase costs for affected institutions by an unknown amount.

It is also likely that public universities, community colleges, and school districts would elect to conduct more stringent background checks on job candidates, create policies and procedures to improve reporting of suspected criminal sexual conduct, and make other institutional changes to help mitigate potential future liability. To the extent that affected institutions would choose to make these types of changes, those institutions likely would incur increased costs in doing so.

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Fiscal Analyst: Ryan Bergan
Michael Siracuse
Josh Sefton

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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.