



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 introduced 4-23-25)

(Senate-passed version)

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

Date Completed: 4-30-25

INTRODUCTION

The bills generally would lengthen the statute of limitations for victims of criminal sexual conduct to file a claim for damages. Victims would be allowed to file a claim within 10 years of the crime, by the age of 42, or within seven years of discovering the injury and its connection to the criminal sexual conduct, whichever were later. Criminal sexual conduct claims against the State also would fall under these statutes of limitations.

Additionally, the bills would remove a public university's, public college's, or school district's immunity from tort liability for criminal sexual conduct perpetrated by an employee of these institutions if these institutions were negligent in hiring, supervising, or training the employee who engaged in criminal sexual conduct or if they failed to report the conduct; these institutions also would be subject to liability if they had knowledge of an employee's potential to commit such conduct and failed to take preventative action.

Senate Bills 257, 258, and 259 are tie-barred. Senate Bills 260 and 261 are tie-barred to Senate Bill 257.

PREVIOUS LEGISLATION

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

The 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.

BRIEF FISCAL IMPACT

The bills likely would have an unknown, negative fiscal impact on school districts, universities, and community colleges on account of the increased potential for civil claims, litigation expenses, and judgements related to criminal sexual conduct that would otherwise be barred under current law. A negative fiscal impact for circuit courts also would be likely and would be primarily related to a likely increase in civil case filings.

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)

Legislative Analyst: Eleni Lionas

Fiscal Analyst: Ryan Bergan

Josh Sefton

Michael Siracuse

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.

Senate Bill 257

Under Section 5851b of the Revised Judicature Act, an individual who is a minor and who is the victim of criminal sexual conduct may commence an action to recover damages sustained because of the criminal sexual conduct at any time before the individual is 28 years old or three years after the date the individual discovers, or should have discovered, both the individual's injury and the causal relationship between the injury and criminal sexual conduct, whichever is later.

The bill would modify this provision, and instead, an individual who was the victim of criminal sexual conduct could commence an action to recover damages sustained because of the criminal sexual conduct any time before 10 years after the time the claim accrued, the individual reached 42 years of age, or seven years after the date the individual discovered, or should have discovered, both the individual's injury and the causal relationship between the injury and criminal sexual conduct, whichever was later.

Also, an action to recover damages sustained because of criminal sexual conduct could be brought at any time without limitation if there were a criminal prosecution brought as a result of the conduct that resulted in a conviction for criminal sexual conduct.

Under the bill, regardless of any period of limitation described above or limitations for disabilities of insanity or infancy, an individual who was the victim of criminal sexual conduct before the bill's effective date could commence an action to recover damages sustained because of the criminal sexual conduct within a year after the bill's effective date. The bill specifies that in an action to recover damages sustained because of criminal sexual conduct that was barred by a time limitation under the Act before the bill's effective date, a single claimant could not recover more than \$1.5 million from a single defendant for damages arising from each incident or occurrence.

(Section 5851b allowed an individual who was a minor and was the victim of criminal sexual misconduct between 1996 and 2016 to commence an action to recover damages regardless of periods of limitations under Section 5851b, limitations for damages for injuries to persons or property, or for disability for infancy or insanity, from June 12, 2018, to September 10, 2018, if the individual met certain conditions. The bill would delete this provision.)

Senate Bill 258

Section 5805 of the Revised Judicature Act prohibits a person from bringing or maintaining an action to recover damages for injuries to persons or property unless the action is commenced within certain periods of time.

Among other limitations, the period of limitations is 10 years for an action to recover damages sustained because of criminal sexual conduct. The bill would delete this provision. Instead, the period of limitations for an action to recover damages sustained because of criminal sexual conduct would be provided under Section 5851b, which Senate Bill 257 would amend.

Also, the Act specifies for damages for criminal sexual conduct that it is not 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 was brought, that the prosecution or proceeding resulted in a conviction or adjudication. The bill would delete this provision.

Senate Bill 259

Under Section 6452 of the Revised Judicature Act, every claim against the State in the Court of Claims is forever barred unless it is filed with the clerk of the Court or a suit is brought on the claim in Federal court, within three years after the claim first accrues. Except as otherwise provided, Chapter 58 (Limitation of Actions) of the Act also applies to the limitation prescribed in Section 6452.¹

¹ Chapter 58 establishes the periods of limitations for various actions, which limit the time a person has to bring an action.

Under the bill, Section 6452 would not apply to a claim to which Section 5851b applied, as modified under Senate Bill 257.

Senate Bill 260

Generally, the governmental immunity Law specifies that a governmental agency is immune from tort liability if it is engaged in the exercise or discharge of a governmental function.

Under the bill, a public university or college or a school district would not be immune under the Law from tort liability for criminal sexual conduct that an employee or agent of the public university or college or school district engaged in during the course of employment or service or while acting on behalf of that entity if either of the following applied:

- The university, college, or district was negligent in the hiring, supervision, or training of the employee or agent.
- The university, college, or district had actual or constructive knowledge of the criminal sexual conduct and failed to report the conduct to a law enforcement agency.

"School district" would mean an intermediate school district or public school academy under the Revised School Code.

A public university or college or a school district could be held liable for the criminal sexual conduct of an employee or agent committed during the course of employment or service or while acting on behalf of the university, college, or district only if the following applied:

- The university, college, or district had actual or constructive knowledge that the individual had committed a prior act of criminal sexual conduct or actual or constructive knowledge of the individual's propensity to act in accordance with a prior act of criminal sexual conduct.
- The university, college, or district failed to act or intervene to prevent the subsequent criminal sexual conduct.

The bill would specify that nothing in the law, any previous law, or subsequent law could limit the availability of causes of action permitted to a plaintiff, including causes of action against a person other than the individual alleged to have committed the criminal sexual conduct. Additionally, it would not be necessary for a criminal prosecution or other proceeding to have been brought, or if one had been brought, for the prosecution or proceeding to have resulted in a conviction or adjudication.

"Adjudication" would mean an adjudication of at least one offence under Chapter XIIA (Jurisdiction, Procedure, and Disposition Involving Minors) of the Probate Code.

The provisions described above would apply retroactively to an action commenced under Section 5851b of the Revised Judicature Act, which Senate Bill 257 would amend.

Senate Bill 261

Section 6431 of the Revised Judicature Act specifies that a claim may not be maintained against the State unless the claimant, within one year after the claim has accrued, files with the clerk of the Court of Claims either a written claim or a written notice of intention to file a claim against the State or any of its departments, commissions, boards, institutions, arms, or agencies. The notice must include a signature and verification by the claimant before an officer authorized to administer oaths, a statement of the time and place where the claim arose, a statement of the nature of the claim, and a designation of the department,

commission, board, institution, arm, or agency involved in connection with the claim. Also, if the claim is for property damage or personal injuries, the claim or notice must be filed within six months after the event that gives rise to the claim.

Section 6431 does not apply to a claim for compensation under the Wrongful Imprisonment Compensation Act. Under the bill, it also would not apply to a claim to which Section 5851b of the Act applied, which Senate Bill 257 would amend.

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 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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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.