

SENATE BILL No. 1181

March 21, 2006, Introduced by Senators BIRKHOLZ, McMANUS, CASSIS, CROPSEY, GILBERT, VAN WOERKOM, STAMAS, KUIPERS, GOSCHKA and BROWN and referred to the Committee on Health Policy.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9947) by adding section 2975.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 2975. (1) AN ACTION MAY BE BROUGHT BY OR ON BEHALF OF AN
2 INDIVIDUAL INJURED BY A COERCIVE ACT. SUBJECT TO SUBSECTION (2), A
3 PLAINTIFF IN AN ACTION UNDER THIS SECTION MAY RECOVER DAMAGES FOR
4 EMOTIONAL DISTRESS AND OTHER DAMAGES ALLOWED BY LAW.

5 (2) IF THE DAMAGES AWARDED TO A PLAINTIFF IN AN ACTION UNDER
6 THIS SECTION FOR NONECONOMIC LOSS EXCEED \$5,000.00 AND DAMAGES
7 AWARDED TO THE PLAINTIFF IN THE ACTION FOR ECONOMIC LOSS ARE
8 \$5,000.00 OR LESS, THE AWARD FOR NONECONOMIC LOSS SHALL BE REDUCED

1 BY THE COURT TO \$5,000.00.

2 (3) AS USED IN THIS SECTION:

3 (A) "COERCIVE ACT" MEANS AN ACT THAT IS PROHIBITED BY SECTION
4 15A OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.15A.

5 (B) "ECONOMIC LOSS" MEANS THAT TERM AS DEFINED IN SECTION
6 2945.

7 (C) "EMOTIONAL DISTRESS" MEANS SIGNIFICANT MENTAL SUFFERING OR
8 DISTRESS THAT MAY, BUT DOES NOT NECESSARILY, REQUIRE MEDICAL OR
9 OTHER PROFESSIONAL TREATMENT OR COUNSELING.

10 (D) "NONECONOMIC LOSS" MEANS THAT TERM AS DEFINED IN SECTION
11 2945.

12 Enacting section 1. This amendatory act does not take effect
13 unless Senate Bill No. 1177

14 of the 93rd Legislature is enacted into law.