

HOUSE BILL NO. 6252

September 23, 2020, Introduced by Reps. Brixie, Pohutsky, Shannon, Yancey, Lasinski, Wittenberg, Cherry, Kuppa, Greig, Ellison, Tate, Coleman, Sneller, Stone, Cynthia Johnson, Hope, Hood, Sabo, Sowerby, Tyrone Carter, Manoogian, Hertel, Guerra, Brenda Carter, Kennedy, Chirkun, Hoadley, Pagan, Bolden, Warren, Garrett and Jones and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 5851b (MCL 600.5851b), as added by 2018 PA 183.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5851b. (1) Notwithstanding ~~sections 5805 and~~ **section**
2 5851, **and except as provided otherwise in this section**, an
3 individual who ~~, while a minor,~~ is the victim of criminal sexual
4 conduct may commence an action to recover damages sustained because



1 of the criminal sexual conduct at any time before whichever of the
2 following is later:

3 **(a) Ten years after the time the claim accrues.**

4 **(b)** ~~(a)~~—The individual reaches the age of ~~28~~**48** years.

5 **(c)** ~~(b)~~—~~Three~~**Seven** years after the date the individual
6 discovers, or through the exercise of reasonable diligence should
7 have discovered, both the individual's injury and the causal
8 relationship between the injury and the criminal sexual conduct.

9 (2) For purposes of subsection (1), it is not necessary that a
10 criminal prosecution or other proceeding have been brought as a
11 result of the conduct or, if a criminal prosecution or other
12 proceeding was brought, that the prosecution or proceeding resulted
13 in a conviction or adjudication.

14 **(3) An action to recover damages sustained because of criminal**
15 **sexual conduct may be brought at any time without limitation if**
16 **there is a criminal prosecution brought as a result of the conduct**
17 **that results in a conviction for criminal sexual conduct.**

18 **(4)** ~~(3)~~—Regardless of any period of limitation under
19 subsection (1) ~~or sections 5805 or~~ **section 5851, the claim of** an
20 individual who ~~, while a minor,~~ was the victim of criminal sexual
21 conduct ~~after December 31, 1996 but before 2 years before the~~
22 effective date of the **2020** amendatory act that ~~added~~**amended** this
23 section **is revived and the individual** may commence an action to
24 recover damages sustained because of the criminal sexual conduct
25 ~~within 90 days before 2 years~~ **after** the effective date of the **2020**
26 amendatory act that ~~added~~**amended** this section. ~~if the person~~
27 ~~alleged to have committed the criminal sexual conduct was convicted~~
28 ~~of criminal sexual conduct against any person under section 520b of~~
29 ~~the Michigan penal code, 1931 PA 328, MCL 750.520b, and the~~



1 ~~defendant admitted either of the following:~~

2 ~~(a) That the defendant was in a position of authority over the~~
 3 ~~victim as the victim's physician and used that authority to coerce~~
 4 ~~the victim to submit.~~

5 ~~(b) That the defendant engaged in purported medical treatment~~
 6 ~~or examination of the victim in a manner that is, or for purposes~~
 7 ~~that are, medically recognized as unethical or unacceptable.~~

8 ~~(5) (4)~~—This section does not limit an individual's right to
 9 bring an action under section 5851.

10 ~~(6) (5)~~—As used in this section:

11 (a) "Adjudication" means ~~that term as defined in section~~
 12 ~~5805.~~ **an adjudication of 1 or more offenses under chapter XIIIA of**
 13 **the probate code of 1939, 1939 PA 288, MCL 712A.1 to 712A.32.**

14 (b) "Criminal sexual conduct" means ~~that term as defined in~~
 15 ~~section 5805.~~ **conduct prohibited under section 520b, 520c, 520d,**
 16 **520e, or 520g of the Michigan penal code, 1931 PA 328, MCL**
 17 **750.520b, 750.520c, 750.520d, 750.520e, and 750.520g.**

18 Enacting section 1. This amendatory act does not take effect
 19 unless all of the following bills of the 100th Legislature are
 20 enacted into law:

21 (a) Senate Bill No. ____ or House Bill No. 6254 (request no.
 22 05466'19 *).

23 (b) Senate Bill No. ____ or House Bill No. 6253 (request no.
 24 06007'20 **).

