

SENATE BILL NO. 219

March 10, 2021, Introduced by Senators THEIS, BARRETT, BUMSTEAD, BIZON, DALEY, OUTMAN, NESBITT, JOHNSON, LASATA, MACDONALD, ZORN and VANDERWALL and referred to the Committee on Judiciary and Public Safety.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 2955b (MCL 600.2955b), as added by 2000 PA 176.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2955b. (1) Except as otherwise provided in this section,
2 the court shall dismiss with prejudice a plaintiff's action for an
3 individual's bodily injury or death and shall order the plaintiff
4 to pay each defendant's costs and actual attorney fees if the
5 bodily injury or death occurred during 1 or more of the following:

1 (a) The individual's commission, or flight from the
2 commission, of a ~~felony-crime~~.

3 (b) The individual's acts or flight from acts that the finder
4 of fact in the civil action finds, by clear and convincing
5 evidence, to constitute all the elements of a ~~felony-crime~~.

6 (2) If the bodily injury or death described in subsection (1)
7 resulted from force, the court shall not apply subsection (1) to
8 the claim of the plaintiff against a defendant who caused the
9 individual's bodily injury or death unless the court finds that the
10 particular defendant did either of the following:

11 (a) Used a degree of force that a reasonable person would
12 believe to have been appropriate to prevent injury to the defendant
13 or to others.

14 (b) Used a degree of force that a reasonable person would
15 believe to have been appropriate to prevent or respond to the
16 commission of a ~~felony-crime~~. In making a finding under this
17 subsection, the court shall not consider the fact that the
18 defendant may not have known that the plaintiff's actions or
19 attempted actions would be the commission of a ~~felony-crime~~.

20 (3) If a proceeding is pending regarding an individual's
21 commission of a ~~felony-crime~~ and the individual is a plaintiff in a
22 civil action for damages for his or her own bodily injury, the
23 court shall stay the plaintiff's civil action in regard to a claim
24 against a particular defendant until the final disposition of the
25 proceeding on the individual's commission of a ~~felony-crime~~,
26 including appeals, but only if both of the following occur:

27 (a) The defendant moves under subsection (1) to dismiss the
28 plaintiff's claim in regard to the defendant.

29 (b) The court finds probable cause to believe that subsection

1 (1) applies to the plaintiff's claim against the defendant.

2 (4) The period of limitations to bring a civil action for
3 damages for an individual's bodily injury or death is tolled during
4 each period of time that a court proceeding is pending regarding
5 the individual in a criminal action or an adjudication under
6 chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.1
7 to 712A.32, including appeals, but only if the civil action is
8 based on the same events as the criminal action or adjudication.

9 (5) At any point in time that section 1902 applies to an
10 individual or events, this section does not apply to the individual
11 or the events.

12 (6) This section applies only to a civil action filed ~~on or~~
13 ~~after the effective date of the amendatory act that added this~~
14 ~~section.~~ **after September 17, 2000.**

15 (7) As used in this section:

16 (a) "Commission of a ~~felony~~ **crime**" means ~~either~~ **conduct to**
17 **which 1 or more** of the following **apply**:

18 (i) ~~A conviction for~~ **The conduct resulted in the individual**
19 **being convicted of** a felony.

20 (ii) **The conduct resulted in the individual being convicted of**
21 **a misdemeanor.**

22 (iii) ~~(ii) An~~ **In an** adjudication under chapter XIIIA of the
23 probate code of 1939, 1939 PA 288, MCL 712A.1 to 712A.32, ~~holding~~
24 ~~an~~ **the individual, as a result of the conduct, was held** responsible
25 for an offense that if committed by an adult would be a felony **or**
26 **misdemeanor.**

27 (b) "Felony" means a violation of a law of this state or of
28 the United States that is designated as a felony or that is
29 punishable by death or imprisonment for more than 1 year.

1 (c) "Misdemeanor" means a violation of this state or of the
2 United States that is designated as a misdemeanor or that is
3 punishable by imprisonment for 1 year or less.

4 (d) ~~(e)~~"Plaintiff" includes, but is not limited to, an
5 individual who, or an estate that, brings an action for the bodily
6 injury or death.