

# SENATE BILL NO. 1032

May 11, 2022, Introduced by Senators HERTEL, IRWIN, HOLLIER, POLEHANKI, ALEXANDER, GEISS, BRINKS, BULLOCK and WOJNO 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 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 otherwise provided 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  
5   of the criminal sexual conduct at any time before whichever of the

1 following is later:

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

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

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

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

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

17 (4) ~~(3)~~Regardless of any period of limitation under  
18 subsection (1) ~~or sections 5805 or~~ **section 5851, the claim of** an  
19 individual who ~~, while a minor,~~ was the victim of criminal sexual  
20 conduct ~~after December 31, 1996 but before 2 years before the~~  
21 effective date of the **2022** amendatory act that ~~added~~**amended** this  
22 section **is revived and the individual** may commence an action to  
23 recover damages sustained because of the criminal sexual conduct  
24 ~~within 90 days before 2 years~~ **after the effective date of the 2022**  
25 amendatory act that ~~added~~**amended** this section. ~~if the person~~  
26 ~~alleged to have committed the criminal sexual conduct was convicted~~  
27 ~~of criminal sexual conduct against any person under section 520b of~~  
28 ~~the Michigan penal code, 1931 PA 328, MCL 750.520b, and the~~  
29 ~~defendant admitted either of the following:~~

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

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

7       **(5) (4)**—This section does not limit an individual's right to  
8 bring an action under section 5851.

9       **(6) (5)**—As used in this section:

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

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

17       Enacting section 1. This amendatory act does not take effect  
18 unless all of the following bills of the 101st Legislature are  
19 enacted into law:

20       (a) Senate Bill No. 1033.

21

22       (b) Senate Bill No. 1034.

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