

SUBSTITUTE FOR  
SENATE BILL NO. 1187

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  
6 following is later:

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

8           **(b)** ~~(a)~~ The individual reaches the age of ~~28~~ **42** years.

9           **(c)** ~~(b)~~ ~~Three~~ **Seven** years after the date the individual

1 discovers, or through the exercise of reasonable diligence should  
2 have discovered, both the individual's injury and the causal  
3 relationship between the injury and the criminal sexual conduct.

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

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

13 (4) ~~(3)~~ Regardless of any period of limitation under  
14 subsection (1) ~~or sections 5805 or~~ **section 5851, the claim of an**  
15 individual who ~~, while a minor,~~ was the victim of criminal sexual  
16 conduct ~~after December 31, 1996 but before 2 years before the~~  
17 effective date of the amendatory act that added ~~this section~~  
18 **subsection (6) is revived and the individual** may commence an action  
19 to recover damages sustained because of the criminal sexual conduct  
20 ~~within 90 days before 1 year~~ after the effective date of the  
21 amendatory act that added ~~this section if the person alleged to~~  
22 ~~have committed the criminal sexual conduct was convicted of~~  
23 ~~criminal sexual conduct against any person under section 520b of~~  
24 ~~the Michigan penal code, 1931 PA 328, MCL 750.520b, and the~~  
25 ~~defendant admitted either of the following:~~**subsection (6).**

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

29 ~~(b) That the defendant engaged in purported medical treatment~~

1 ~~or examination of the victim in a manner that is, or for purposes~~  
2 ~~that are, medically recognized as unethical or unacceptable.~~

3 (5) ~~(4)~~ This section does not limit an individual's right to  
4 bring an action under section 5851.

5 (6) **In an action to recover damages sustained because of**  
6 **criminal sexual conduct that was barred by a time limitation under**  
7 **this act before the effective date of the amendatory act that added**  
8 **this subsection, a single claimant may not recover from a single**  
9 **defendant more than \$1,500,000.00 for damages arising from each**  
10 **incident or occurrence.**

11 (7) ~~(5)~~ As used in this section:

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

15 (b) "Criminal sexual conduct" means ~~that term as defined in~~  
16 ~~section 5805~~ **conduct prohibited under section 520b, 520c, 520d,**  
17 **520e, or 520g of the Michigan penal code, 1931 PA 328, MCL**  
18 **750.520b, 750.520c, 750.520d, 750.520e, and 750.520g.**

19 (c) "Governmental agency" means that term as defined in  
20 **section 1 of 1964 PA 170, MCL 691.1401.**

21 Enacting section 1. This amendatory act does not take effect  
22 unless all of the following bills of the 102nd Legislature are  
23 enacted into law:

24 (a) Senate Bill No. 1188.

25 (b) Senate Bill No. 1189.