

Legislative Analysis



PROHIBIT EXPRESSION OF SYMPATHY AS EVIDENCE IN CIVIL ACTIONS

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5311

Sponsor: Rep. Joe Hune

Committee: Judiciary

Complete to 5-17-04

A SUMMARY OF HOUSE BILL 5311 AS INTRODUCED 11-12-03

The bill would add a new section to the Revised Judicature Act to prohibit the use, as evidence of liability, certain statements by a person involved in an accident made to or about another individual injured or killed in the accident. Specifically, a statement, writing, or action that expressed sympathy, compassion, commiseration, or a general sense of benevolence in regards to the pain, suffering, or death of an individual involved in an accident that had been made to the individual or his or her family would not be admissible as evidence of liability in a civil action.

“Accident” would mean an occurrence that resulted in injury or death to another that was not the result of a willful act. “Family” would mean a spouse, parent, grandparent, stepmother or stepfather, adopted or natural child, grandchild, brother or sister, half-brother or sister, or father- or mother-in-law.

MCL600.2155

Legislative Analyst: Susan Stutzky

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