

HOUSE BILL NO. 5016

June 15, 2021, Introduced by Reps. Brenda Carter, Yancey, Aiyash, Hood, Scott, Puri, Brabec, Steckloff, Stone, O'Neal, Hertel, Sowerby, Rogers, Neeley, Thanedar, Weiss, Cynthia Johnson, Young, Whitsett, Cavanagh, Brixie, Rabhi, Kuppa and Jones and referred to the Committee on Government Operations.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9947) by adding section 2980.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 2980. (1) An individual who reports the commission of a**
2 **crime, or causes a report of the commission of a crime to be made,**
3 **is liable to the individual who is the subject of the report for**
4 **all damages described in subsection (2) that result from the**
5 **report, if all of the following apply:**

1 (a) The report was made to a peace officer, police agency of
2 this state or of a local unit of government, 9-1-1 operator, or
3 other governmental employee or contractor or employee of a
4 contractor who is authorized to receive reports of a crime.

5 (b) The individual knew that the report of the crime was
6 false.

7 (c) The report is based in whole or in part on the individual
8 that is the subject of the report being a member of a protected
9 class, including, but not limited to, being based on the
10 individual's race, sexual orientation, color, nationality, or
11 religion, and is not based on a reasonable suspicion of criminal
12 activity, in consideration of all available facts and the totality
13 of the circumstances.

14 (2) All economic and noneconomic damages that result from the
15 false police report may be recovered in an action under this
16 section, including, but not limited to, all of the following:

17 (a) Physical pain and suffering.

18 (b) Mental anguish.

19 (c) Fright and shock.

20 (d) Denial of social pleasure and enjoyments.

21 (e) Embarrassment, humiliation, or mortification.

22 (f) Disability.

23 (g) Disfigurement.

24 (h) Aggravation of a preexisting ailment or condition.

25 (i) Reasonable expenses of necessary medical or psychological
26 care, treatment, and services.

27 (j) Loss of earnings or earning capacity.

28 (k) Damage to property.

29 (l) Any other necessary and reasonable expense incurred as a

1 result of the false police report.

2 (3) An individual is entitled to damages under this section to
3 the extent the individual has sustained the damages, regardless of
4 whether the individual suffered any physical injury as a result of
5 the report.

6 (4) An individual is entitled to damages under this section
7 regardless of whether the damages sustained were foreseeable to the
8 individual who made the report or caused the report to be made.

9 (5) The remedy provided under this section is in addition to
10 any other remedy provided by law to the individual who is the
11 subject of the report.

12 (6) As used in this section:

13 (a) "Local unit of government" means any of the following:

14 (i) A city, village, township, or county.

15 (ii) A local or intermediate school district.

16 (iii) A public school academy.

17 (iv) A community college.

18 (b) "This state" includes, but is not limited to, a state
19 institution of higher education.