

Senate Bill 1187 (Substitute S-4 as passed by the Senate)  
Senate Bills 1188 and 1190 (as passed by the Senate)  
Senate Bills 1189, 1191, and 1192 (Substitute S-1 as passed by the Senate)  
Sponsor: Senator Mallory McMorrow (S.B. 1187)  
Senator Kristen McDonald-Rivet (S.B. 1188)  
Senator Kevin Hertel (S.B. 1189)  
Senator Dayna Polehanki (S.B. 1190)  
Senator Jeff Irwin (S.B. 1191)  
Senator Sam Singh (S.B. 1192)  
Committee: Civil Rights, Judiciary, and Public Safety (discharged)

Date Completed: 4-30-25

## **CONTENT**

**Senate Bill 1187 (S-4)** would amend the Revised Judicature Act to do the following:

- Allow an individual who was the victim of criminal sexual conduct to commence an action for damages within 10 years of the crime, by the age of 42, or within seven years of discovering the injury and connection to the misconduct, whichever was later.
- Allow an action to recover damages sustained because of criminal sexual conduct to be brought at any time if there were a criminal prosecution brought as a result of the conduct that resulted in a conviction for that conduct.
- Regardless of the limitations above, allow an individual who was a victim of criminal sexual conduct before the bill's effective date to commence an action to recover damages within a year of the effective date and specify that the claimant could not recover more than \$1.5 million in damages from a single defendant.

**Senate Bill 1188** would amend the Revised Judicature Act to delete a 10-year period of limitations for bringing an action to recover damages sustained because of criminal sexual conduct and instead refer to the period of limitations prescribed under **Senate Bill 1187 (S-4)**.

**Senate Bill 1189 (S-1)** would amend the Revised Judicature Act to exempt a claim to recover damages because of criminal sexual conduct from the permanent bar on bringing a claim against the State.

**Senate Bill 1190** would amend Chapter 7 (Grand Juries, Indictments, Informations and Proceedings Before Trial) of the Code of Criminal Procedure to allow a criminal indictment for second- and third-degree criminal sexual conduct to be found and filed at any time.

**Senate Bill 1191 (S-1)** would amend the governmental immunity Law to do the following:

- Remove immunity from tort liability for a public university, public college, and a school district whose employee engaged in criminal sexual conduct while

**working if the institution were negligent in the hiring, supervision, or training of the employee or the institution knew of the conduct and did not report it.**

- Specify that the bill's provisions would apply retroactively to a claim under Section 5851b to recover damages for criminal sexual conduct, which Senate Bill 1187 (S-4) would amend.**

**Senate Bill 1192 (S-1) would amend the Revised Judicature Act to specify that the time requirements to file a claim or notice of intent to file a claim with the Court of Claims would not apply to a claim for compensation under Section 5851b of the Revised Judicature Act to recover damages for criminal sexual conduct.**

Senate Bills 1187, 1188, and 1189 are tie-barred. Senate Bill 1191 is tie-barred to Senate Bill 1187.

### **Senate Bill 1187 (S-4)**

Under Section 5851b of the Revised Judicature Act an individual who is a minor and who is the victim of criminal sexual conduct may commence an action to recover damages sustained because of the criminal sexual conduct at any time before the individual is 28 years old or three years after the date the individual discovers, or should have discovered, both the individual's injury and the causal relationship between the injury and criminal sexual conduct, whichever is later.

The bill would modify this provision, and instead, an individual who was the victim of criminal sexual conduct could commence an action to recover damages sustained because of the criminal sexual conduct any time before 10 years after the time the claim accrued, the individual reached 42 years of age, or seven years after the date the individual discovered, or should have discovered, both the individual's injury and the causal relationship between the injury and criminal sexual conduct, whichever was later.

Also, an action to recover damages sustained because of criminal sexual conduct could be brought at any time without limitation if there were a criminal prosecution brought as a result of the conduct that resulted in a conviction for criminal sexual conduct.

Under the bill, regardless of any period of limitation described above or limitations for disabilities of insanity or infancy, the claim of an individual who was the victim of criminal sexual conduct before the bill's effective date could commence an action to recover damages sustained because of the criminal sexual conduct within a year of the bill's effective date. The bill would specify that in an action to recover damages sustained because of criminal sexual conduct that was barred by a time limitation under the Act before the bill's effective date, a single claimant could not recover more than \$1.5 million from a single defendant for damages arising from each incident or occurrence.

(Section 5851b allowed an individual who was a minor and was the victim of criminal sexual misconduct between 1996 and 2016 to commence an action to recover damages regardless of periods of limitations under Section 5851b, limitations for damages for injuries to persons or property, or for disability for infancy or insanity, from June 12, 2018, to September 10, 2018, if the individual met certain conditions. The bill would delete this provision.)

### **Senate Bill 1188**

Section 5805 of the Revised Judicature Act prohibits a person from bringing or maintaining an action to recover damages for injuries to persons or property unless the action is commenced within certain periods of time.

Among other limitations, the period of limitations is 10 years for an action to recover damages sustained because of criminal sexual conduct. The bill would delete this provision. Instead, the period of limitations for an action to recover damages sustained because of criminal sexual conduct would be provided under Section 5851b, which Senate Bill 1187 (S-1) would amend.

Also, the Act specifies for damages for criminal sexual misconduct, that it is not necessary that a criminal prosecution or other proceeding have been brought as a result of the conduct, if a criminal prosecution or other proceeding was brought, that the prosecution or proceeding resulted in a conviction or adjudication. The bill would delete this provision.

### **Senate Bill 1189 (S-1)**

Under Section 6452 of the Revised Judicature Act, every claim against the State in the Court of Claims is forever barred unless it is filed with the clerk of the Court or a suit is brought on the claim in Federal court, within three years after the claim first accrues. Except as otherwise provided, Chapter 58 (Limitation of Actions) of the Act also applies to the limitation prescribed in Section 6452.<sup>1</sup>

Under the bill, Section 6452 also would not apply to a claim to which Section 5851b applied, as modified under Senate Bill 1187 (S-1).

### **Senate Bill 1190**

The Code of Criminal Procedure prescribes the time frame in which an indictment for a crime must be found and filed. Certain violations, including murder, conspiracy to commit murder, violations under Chapter 33 (Explosives and Bombs, and Harmful Devices) of the Michigan Penal Code, and violations under Chapter 58A (Human Trafficking) of the Michigan Penal Code may be found and filed at any time.

Currently, a violation of Section 520c and 520d of the Code, which involve second- and third-degree child sexual conduct with a victim 18 years of age or older must be found and filed as follows:

- Except as otherwise provided below, an indictment may be found and filed within 10 years after the offense is committed or by the alleged victim's twenty-first birthday, whichever is later.
- If evidence of the offense is obtained and that evidence contains DNA that is determined to be from an unidentified individual, an indictment against that individual for the offense may be found and filed at any time after the offense is committed; however, after the individual is identified, the indictment may be found and filed within 10 years after the individual is identified or by the alleged victim's twenty-first birthday, whichever is later.

For a violation where the victim of a violation of 520c or 520d is under 18 years of age, an indictment may be found and filed as follows:

- Except as otherwise provided below, an indictment may be found and filed within 15 years after the offense is committed or by the alleged victim's twenty-eighth birthday, whichever is later.
- If evidence of the offense is obtained and that evidence contains DNA that is determined to be from an unidentified individual, an indictment against that individual for the offense may be found and filed at any time after the offense is committed; however, after the individual is identified, the indictment may be found and filed within 15 years after the individual is identified or by the alleged victim's twenty-eighth birthday, whichever is later.

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<sup>1</sup> Chapter 58 establishes the periods of limitations for various actions, which limit the time a person has to bring an action.

The bill would delete these provisions and allow a violation of Section 520c and 520d of the Code to be found and filed at any time.

### **Senate Bill 1191 (S-1)**

Generally, the governmental immunity Law specifies that a governmental agency is immune from tort liability if it is engaged in the exercise or discharge of a governmental function.

Under the bill, a public university or college or a school district would not be immune under the Law from tort liability for criminal sexual conduct that an employee or agent of the public university or college or school district engaged in during the course of employment or service or while acting on behalf of that entity if either of the following applied:

- The university, college, or district was negligent in the hiring, supervision, or training of the employee or agent.
- The university, college, or district had actual or constructive knowledge of the criminal sexual conduct and failed to report the misconduct to a law enforcement agency.

"School district" would mean an intermediate school district or public school academy under the Revised School Code.

A public university or college, or a school district could be held liable for the criminal sexual conduct of an employee or agent committed during the course of employment or service or while acting on behalf of the university, college, or district only if the following applied:

- The university, college, or district had actual or constructive knowledge that the individual had committed a prior act of criminal sexual conduct or actual or constructive knowledge of the individual's propensity to act in accordance with a prior act of criminal sexual conduct.
- The university, college, or district failed to act or intervene to prevent the subsequent criminal sexual conduct.

The bill would specify that nothing in the law, any previous law, or subsequent law could limit the availability of causes of action permitted to a plaintiff, including causes of action against a person other than the individual alleged to have committed the criminal sexual conduct. Additionally, it would not be necessary for a criminal prosecution or other proceeding to have been brought, for the prosecution or proceeding to have resulted in a conviction or adjudication.

"Adjudication" would mean an adjudication of at least one offence under Chapter XIIA (Jurisdiction, Procedure, and Disposition Involving Minors) of the Probate Code.

The provisions described above would apply retroactively to an action commenced under Section 5851b of the Revised Judicature Act.

### **Senate Bill 1192 (S-1)**

Section 6431 of the Revised Judicature Act specifies that a claim may not be maintained against the State unless the claimant, within one year after the claim has accrued, files with the clerk of the Court of Claims either a written claim or a written notice of intention to file a claim against the State or any of its departments, commissions, boards, institutions, arms, or agencies. The notice must include a signature and verification by the claimant before an officer authorized to administer oaths, a statement of the time and place where the claim arose, a statement of the nature of the claim, and a designation of the department, commission, board, institution, arm, or agency involved in connection with the claim. Also, if

the claim is for property damage or personal injuries, the claim or notice must be filed within six months after the event that gives rise to the claim.

Section 6431 does not apply to a claim for compensation under the Wrongful Imprisonment Compensation Act. Under the bill, it also would not apply to a claim to which Section 5851b of the Act applied.

MCL 600.5851b (S.B. 1187)  
600.5805 (S.B. 1188)  
600.6452 (S.B. 1189)  
767.24 (S.B. 1190)  
691.1407 (S.B. 1191)  
600.6431 (S.B. 1192)

Legislative Analyst: Eleni Lionas

## **FISCAL IMPACT**

### **Senate Bills 1187 (S-4) through 1190 & 1192 (S-1)**

The bills would have a minimal fiscal impact on State and local courts. Fewer civil claims would be barred by the statute of limitations or governmental immunity; however, the degree to which civil claims for criminal sexual conduct would increase is unknown. While additional claims could mean more expenses for courts, primarily circuit courts in this case, such expenses would be offset to a degree by filing fee revenue.

Outlier cases always have the potential for great expense to the State, universities, or local governments (e.g. 2018 Michigan State University settlement of \$500.0 million paid to survivors). This analysis acknowledges the possibility of such costs to the State and local governments that could otherwise be barred without the statutory changes in the bill package.

### **Senate Bill 1191 (S-1)**

The bill would have a negative fiscal impact on districts, although there is no way to estimate the amount. It is not known how many instances of criminal sexual conduct by district employees occur during a year or would occur in the future, or what the average judgement in each instance would be; however, if a district were found liable in a case, the cost of the judgement would have a negative fiscal impact.

The bill would have an unknown but potentially significant negative fiscal impact on public universities, community college, and school districts, and no direct fiscal impact on the State. The bill would set certain conditions under which a public university, community college, or school district could be held liable for criminal sexual conduct committed by one of its employees. It is unknown how many future cases the bill potentially would affect, but it is likely that the overall number of civil cases regarding criminal sexual conduct by the employees of universities, community colleges, and school districts would increase due to decreased legal barriers facing such cases under the bill. An increase in these types of civil cases would increase costs for affected institutions by an unknown amount.

It is also likely that public universities, community colleges, and school districts would elect to conduct more stringent background checks on job candidates, create policies and procedures to improve reporting of suspected criminal sexual conduct, and make other institutional changes to help mitigate potential future liability. To the extent that affected institutions would choose to make these types of changes, those institutions likely would incur increased costs in doing so.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.