

DRAFT 2

A bill to amend 1961 PA 236, entitled  
"Revised judicature act of 1961,"  
by amending sections 5805 and 5851b (MCL 600.5805 and 600.5851b),  
section 5805 as amended and section 5851b as added by 2018 PA 183.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 5805. (1) A person shall not bring or maintain an action  
2 to recover damages for injuries to persons or property unless,  
3 after the claim first accrued to the plaintiff or to someone  
4 through whom the plaintiff claims, the action is commenced within  
5 the periods of time prescribed by this section.

6           (2) Except as otherwise provided in this section, the period



1 of limitations is 3 years after the time of the death or injury for  
2 all actions to recover damages for the death of a person or for  
3 injury to a person or property.

4 (3) Subject to subsections (4) to (6), the period of  
5 limitations is 2 years for an action charging assault, battery, or  
6 false imprisonment.

7 (4) Subject to subsection (6), the period of limitations is 5  
8 years for an action charging assault or battery brought by a person  
9 who has been assaulted or battered by his or her spouse or former  
10 spouse, an individual with whom he or she has had a child in  
11 common, or a person with whom he or she resides or formerly  
12 resided.

13 (5) Subject to subsection (6), the period of limitations is 5  
14 years for an action charging assault and battery brought by a  
15 person who has been assaulted or battered by an individual with  
16 whom he or she has or has had a dating relationship.

17 (6) The period of limitations ~~is 10 years~~ for an action to  
18 recover damages sustained because of criminal sexual conduct. ~~For~~  
19 ~~purposes of this subsection, it is not necessary that a criminal~~  
20 ~~prosecution or other proceeding have been brought as a result of~~  
21 ~~the conduct or, if a criminal prosecution or other proceeding was~~  
22 ~~brought, that the prosecution or proceeding resulted in a~~  
23 ~~conviction or adjudication.~~ **is as provided in section 5851b.**

24 (7) The period of limitations is 2 years for an action  
25 charging malicious prosecution.

26 (8) Except as otherwise provided in this chapter, the period  
27 of limitations is 2 years for an action charging malpractice.

28 (9) The period of limitations is 2 years for an action against  
29 a sheriff charging misconduct or neglect of office by the sheriff



1 or the sheriff's deputies.

2 (10) The period of limitations is 2 years after the expiration  
3 of the year for which a constable was elected for actions based on  
4 the constable's negligence or misconduct as constable.

5 (11) The period of limitations is 1 year for an action  
6 charging libel or slander.

7 (12) The period of limitations is 3 years for a products  
8 liability action. However, in for a product that has been in use  
9 for not less than 10 years, the plaintiff, in proving a prima facie  
10 case, must do so without the benefit of any presumption.

11 (13) An action against a state licensed architect or  
12 professional engineer or licensed professional surveyor arising  
13 from professional services rendered is an action charging  
14 malpractice subject to the period of limitation contained in  
15 subsection (8).

16 (14) The periods of limitation under this section are subject  
17 to any applicable period of repose established in section 5838a,  
18 5838b, or 5839.

19 (15) The amendments to this section made by 2011 PA 162 apply  
20 to causes of action that accrue on or after January 1, 2012.

21 (16) As used in this section:

22 ~~(a) "Adjudication" means an adjudication of 1 or more offenses~~  
23 ~~under chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL~~  
24 ~~712A.1 to 712A.32.~~

25 ~~(a) (b) "Criminal sexual conduct" means conduct prohibited~~  
26 ~~under section 520b, 520c, 520d, 520e, or 520g of the Michigan penal~~  
27 ~~code, 1931 PA 328, MCL 750.520b, 750.520c, 750.520d, 750.520e, and~~  
28 ~~750.520g that term as defined in section 5851b.~~

29 ~~(b) (e) "Dating relationship" means frequent, intimate~~



1 associations primarily characterized by the expectation of  
 2 affectional involvement. Dating relationship does not include a  
 3 casual relationship or an ordinary fraternization between 2  
 4 individuals in a business or social context.

5       Sec. 5851b. (1) Notwithstanding ~~sections 5805 and~~ **section**  
 6 **5851, and except as otherwise provided in this section,** an  
 7 individual who ~~, while a minor,~~ is the victim of criminal sexual  
 8 conduct may commence an action to recover damages sustained because  
 9 of the criminal sexual conduct at any time before whichever of the  
 10 following is later:

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

12       **(b)** ~~(a)~~—The individual reaches the age of ~~28~~ **52** years.

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

17       (2) For purposes of subsection (1), it is not necessary that a  
 18 criminal prosecution or other proceeding have been brought as a  
 19 result of the conduct or, if a criminal prosecution or other  
 20 proceeding was brought, that the prosecution or proceeding resulted  
 21 in a conviction or adjudication.

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

26       **(4)** ~~(3)~~—Regardless of any period of limitation under  
 27 subsection (1) ~~or sections 5805 or~~ **section 5851, the claim of** an  
 28 individual who ~~, while a minor,~~ was the victim of criminal sexual  
 29 conduct ~~after December 31, 1996 but before 2 years before the~~



1 effective date of the **2022** amendatory act that ~~added~~**amended** this  
 2 section **is revived and the individual** may commence an action to  
 3 recover damages sustained because of the criminal sexual conduct  
 4 ~~within 90 days before 2 years~~ after the effective date of the **2022**  
 5 amendatory act that ~~added~~**amended** this section. ~~if the person~~  
 6 ~~alleged to have committed the criminal sexual conduct was convicted~~  
 7 ~~of criminal sexual conduct against any person under section 520b of~~  
 8 ~~the Michigan penal code, 1931 PA 328, MCL 750.520b, and the~~  
 9 ~~defendant admitted either of the following:~~

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

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

16 **(5) (4)**—This section does not limit an individual's right to  
 17 bring an action under section 5851.

18 **(6) (5)**—As used in this section:

19 (a) "Adjudication" means ~~that term as defined in section~~  
 20 **5805, an adjudication of 1 or more offenses under chapter XIIIA of**  
 21 **the probate code of 1939, 1939 PA 288, MCL 712A.1 to 712A.32.**

22 (b) "Criminal sexual conduct" means ~~that term as defined in~~  
 23 ~~section 5805.~~**conduct prohibited under section 520b, 520c, 520d,**  
 24 **520e, or 520g of the Michigan penal code, 1931 PA 328, MCL**  
 25 **750.520b, 750.520c, 750.520d, 750.520e, and 750.520g.**

26 Enacting section 1. This amendatory act does not take effect  
 27 unless Senate Bill No.\_\_\_\_ or House Bill No.\_\_\_\_ (request no.  
 28 00428'23) of the 102nd Legislature is enacted into law.

