

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

600.1902 “Victim” defined; civil action against victim of criminal sexual conduct or assault with intent to commit criminal sexual conduct; dismissal; period of limitations; applicability of section.

Sec. 1902.

(1) As used in this section, "victim" means any 1 of the following:

(a) The person alleging to have been subjected to a crime described in subsection (2).

(b) The parent, guardian, or custodian of the person described in subdivision (a), if the person is less than 18 years of age.

(c) The parent, guardian, or custodian of the person described in subdivision (a), if the person is so mentally incapacitated that he or she cannot meaningfully understand or participate in the legal process.

(2) A defendant in a criminal action for criminal sexual conduct in any degree or assault with intent to commit criminal sexual conduct shall not commence or maintain a civil action against a victim of the crime for which the defendant is charged if both of the following circumstances exist:

(a) The criminal action is pending in a trial court of this state, of another state, or of the United States.

(b) The civil action is based upon statements or reports made by the victim that pertain to an incident from which the criminal action is derived.

(3) The court shall dismiss without prejudice a civil action commenced or maintained in violation of subsection (2).

(4) The period of limitations for the bringing of a civil action described in subsection (2) is tolled for the period of time during which the criminal action is pending in a trial court of this state, of another state, or of the United States.

(5) This section does not apply if the victim files a civil action based upon an incident from which the criminal action is derived against the defendant in the criminal action.

(6) This section shall apply only if the criminal action against the defendant is based upon a crime allegedly committed after the effective date of the amendatory act that added this section.

History: Add. 1990, Act 28, Eff. Mar. 28, 1991