



# STATE BAR OF MICHIGAN

## Member Comment

### Member Name:

Larry Mulligan

### Email:

lmulligan@shrr.com

### Bill Number:

HB 4467 (Condino) Civil procedure; statute of limitations; civil action for damages resulting from criminal sexual conduct against a minor; extend tolling of statute of limitations. Amends sec. 5851 of 1961 PA 236 (MCL 600.5851).

### Date comment submitted:

July 19, 2006

### Member Position:

This proposed legislation recognizes that children who are abused, especially sexually, are known to suppress the abuse, often because they are intimidated by the perpetrator, sometimes until many years after they reach the age of majority, and that a "normal" statute of limitations, even when extended by recognition of the child's disability while a minor, only serves to protect the perpetrator. The State Bar has taken an "oppose in principle" position on the bill, thereby failing, in my opinion, to carry out its mission for "the protection of the public", particularly its weakest, least represented segment, our kids. The State Bar should reconsider that position, opening up the subject of child abuse as a matter in need of our closest attention, given that the American Medical Association calls it "a silent, violent epidemic", and it is a rare news program which does not have a sad story of one of our kids suffering as a result. Why are we opposed, in principle or otherwise, to legislation which attempts a 1st step to fix the problem? Why are we not in front of our fellow citizens w/ proposals for legislation which will protect our kids from lives ravaged by the acts of adults who want to abuse them?

### State Bar of Michigan Position:

Oppose in Principle. Due to the length of time the statute of limitations would be extended, the due process rights of the defendant may be violated.