

**SUBSTITUTE FOR
SENATE BILL NO. 877**

A bill to amend 1964 PA 170, entitled

"An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers, employees, and volunteers and for paying damages sought or awarded against them; to provide for the legal defense of public officers, employees, and volunteers; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal acts and parts of acts,"

(MCL 691.1401 to 691.1419) by adding section 7d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **SEC. 7D. (1) A MEMBER, OFFICER, EMPLOYEE, OR AGENT OF A**
2 **GOVERNMENTAL AGENCY OR A VOLUNTEER ACTING ON BEHALF OF A**
3 **GOVERNMENTAL AGENCY WHO ENGAGES IN SEXUAL MISCONDUCT WHILE IN THE**

Senate Bill No. 877 as amended March 14, 2018

1 COURSE OF EMPLOYMENT OR SERVICE OR WHILE ACTING ON BEHALF OF THE
2 GOVERNMENTAL AGENCY IS NOT IMMUNE UNDER THIS ACT FROM TORT
3 LIABILITY.

4 (2) A GOVERNMENTAL AGENCY IS NOT IMMUNE UNDER THIS ACT FROM
5 TORT LIABILITY FOR SEXUAL MISCONDUCT THAT A MEMBER, OFFICER,
6 EMPLOYEE, OR AGENT OF THE GOVERNMENTAL AGENCY ENGAGES IN DURING THE
7 COURSE OF EMPLOYMENT OR SERVICE OR WHILE ACTING ON BEHALF OF THE
8 GOVERNMENTAL AGENCY IF EITHER OF THE FOLLOWING APPLIES:

9 (A) THE GOVERNMENTAL AGENCY WAS NEGLIGENT IN THE HIRING,
10 SUPERVISION, OR TRAINING OF THE MEMBER, OFFICER, EMPLOYEE, OR
11 AGENT.

12 (B) THE GOVERNMENTAL AGENCY KNEW OR SHOULD HAVE KNOWN OF THE
13 SEXUAL MISCONDUCT AND FAILED TO REPORT THE SEXUAL MISCONDUCT TO AN
14 APPROPRIATE LAW ENFORCEMENT AGENCY.

15 (3) THIS SECTION APPLIES TO CONDUCT THAT OCCURS AFTER DECEMBER
16 31, <<1996>>.

17 (4) AS USED IN THIS SECTION, "SEXUAL MISCONDUCT" MEANS CONDUCT
18 DESCRIBED IN SECTION 136, 145A, 145B, 145C, 520B, 520C, 520D, 520E,
19 OR 520G OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.136,
20 750.145A, 750.145B, 750.145C, 750.520B, 750.520C, 750.520D,
21 750.520E, AND 750.520G, REGARDLESS OF WHETHER THE CONDUCT RESULTED
22 IN A CRIMINAL CONVICTION.

23 Enacting section 1. This amendatory act takes effect 90 days
24 after the date it is enacted into law.