



**House
Legislative
Analysis
Section**

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CRIME VICTIMS'S COMP: CORRECTIONS OFCR.

House Bill 4886 with committee amendments
First Analysis (11-6-89)

Sponsor: Rep. Michael E. Nye
Committee: Appropriations

RECEIVED

DEC 19 1989

THE APPARENT PROBLEM:

Public Act 223 of 1976, the crime victim's compensation act, allows compensation to be paid to a victim of a crime, or to anyone who goes to the aid of a victim of a crime, if that person receives injuries that result in serious financial hardship. Compensation is also made to the surviving spouses, parents, children, siblings, or dependents of crime victims who die as a result of crimes. Included in the category of those who become crime victims as a result of intervention in a crime are peace officers injured in the line of duty, and compensation made to these victims is not reduced by third party payments received from disability or death benefits. This provision does not extend to corrections officers, and so the families of the two officers killed by prisoners last year would have had their awards reduced by whatever amount they received in Worker's Disability Compensation if they applied for crime victims' compensation. Some feel that corrections officers in state correctional facilities and jailers and turnkeys in city and county jails should have the same rights as other peace officers, so that victim's compensation paid to those injured in the line of duty would not be reduced by the amount of disability or death benefits paid by insurance or from public funds.

THE CONTENT OF THE BILL:

The bill would amend the crime victim's compensation act, Public Act 223 of 1976, to require that victim's compensation paid to a corrections officer injured in the line of duty not be reduced by the amount of disability or death benefits paid by insurance or from public funds.

The bill would make special provision for corrections officers or their survivors whose claims were denied or awards reduced after March 31, 1977. The person whose claim was denied or award reduced would have one year after the bill took effect in which to file a new claim, and the crime victim's compensation board would grant an award in an amount that made up for any previous denial or reduction based on disability or death benefits.

MCL 18.361

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, few corrections officers apply for crime victims compensation awards, and it is not known if enactment of the bill would cause a significant increase in applications. At present, it is believed that there have been some three to six claims that were denied and might be refiled under the bill's retroactive filing provision. (11-6-89)

ARGUMENTS:

For:

Under the crime victim's compensation act, an award paid to a victim is reduced by the amount of money the victim receives from various other sources. However, in the case

of a peace officer injured in the line of duty, the award is not reduced by the amount of disability or death benefits received for injuries sustained in the course of employment. It is only fair that corrections officers should fall under this latter category, since they, too, are on the "front line of attack" in their daily work. The bill would correct this inequity.

Against:

The bill would only emphasize the fact that, under the crime victim's compensation act, one victim is considered more important than others and is therefore entitled to more compensation. The crime victim's compensation program was designed to assist those citizens most in need of assistance — those who had been innocently victimized. Many of the state's crime victims are poor or elderly, citizens who are least able to endure unexpected adversity. While peace officers and corrections officers injured in the line of duty are certainly victims of crime, in one sense, in another sense they are not. These officers are professionals who enter their field of work aware of the dangers involved, and, in fact, their wages reflect higher compensation due to this hardship. In most instances, they also receive benefits from their employers if they are injured at work.

POSITIONS:

The Department of Management and Budget supports the bill. (11-3-89)

The Michigan Corrections Organization/SEIU Local 526M supports the bill. (11-2-89)

The Office of Legislative Corrections Ombudsman in the Department of Corrections supports the bill. (11-2-89)

The Michigan Sheriffs' Association supports the bill. (11-2-89)

The Michigan Council on Crime and Delinquency opposes the bill. (11-2-89)

H.B. 4886 (11-6-89)