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BILL ANALYSIS

Senate Fiscal Agency

Lansing, Michigan 48909

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House Bill 4886 (as reported without amendment)

Sponsor: Representative Michael E. Nye

House Committee: Appropriations

Senate Committee: Criminal Justice and Urban Affairs

Date Completed: 12-4-89

RATIONALE

The crime victim's compensation Act provides for compensation to be paid to a crime victim who receives injuries that result in financial hardship. While the Act generally requires a victim's compensation to be reduced by any amount received from insurance as a result of injuries sustained in the course of employment, such a reduction is waived for "disability or death benefits paid or to be paid to a peace officer". Since a corrections officer is not a "peace officer", the exemption from the reduction in victim's compensation does not extend to nondeputized corrections officers injured or killed in the line of duty. The families of two corrections officers who were killed in 1987 were denied their full amount of victim's compensation due to a reduction equal to the amount of workers' disability compensation received. Some people feel that corrections officers in State correctional facilities and nondeputized jailers in county and city jails should have the same rights to full compensation under the crime victim's compensation Act that are accorded to peace officers, and that the exemption from a reduction for workers' compensation received should be applied retroactively.

CONTENT

The bill would amend the crime victim's compensation Act to provide that an award made under the Act could not be reduced by disability or death benefits paid or to be paid from insurance or

public funds to a corrections officer on account of injuries sustained in the course of employment. If, at any time after March 31, 1977 (the Act's effective date), a person's claim were denied or an award to the person were reduced because a disability or death benefit was paid or was to be paid to a corrections officer as a result of an injury sustained in the course of employment, the person could file a new claim for the award or part of the award that was denied, within one year after the bill took effect. The crime victims compensation board would have to grant the person an award in the full amount prescribed in the Act if the claim had been denied, or in the amount by which the previous award had been reduced.

MCL 18.361

FISCAL IMPACT

The bill, under its "grandfather" provision, would require the State to pay a total of \$27,000 in compensation to the families of two correctional officers who were slain on March 24, 1987, and December 27, 1987, if claims for retroactive awards were filed under the bill. The cost to the State for future claims for compensation due to disability or death of correctional officers is not possible to estimate at this time. The Office of Criminal Justice estimates, however, that the cost to the State would be minimal since only three correctional officers have been killed in modern times and

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few who were disabled have filed claims for an award under this Act.

ARGUMENTS

Supporting Argument

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. In the case of a peace officer injured in the line of duty, however, the award is not reduced by the amount of disability or death benefits received for injuries sustained in the course of employment. Corrections officers should be treated the same as peace officers, since they, too, are in danger in their daily work. The bill would correct this inequity.

Opposing Argument

The bill would only emphasize the fact that, under the crime victim's compensation Act, some victims are considered more important than others and are 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, they also are professionals who enter their field of work aware of the dangers involved. In fact, their wages often reflect higher compensation due to this hardship. In most instances, they also receive adequate benefits from their employers if they are injured at work.

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