



HOUSE BILL No. 5200

November 10, 1993, Introduced by Reps. Dalman, McBryde, McNutt, Bodem, Jaye and Llewellyn and referred to the Committee on Corrections.

A bill to provide immunity from civil liability to courts and certain other governmental and nongovernmental agencies and organizations and their employees, officers, and directors with respect to the performance of community service by offenders.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Agency" means a nonprofit organization, or a governmen-
3 tal unit or other public body that accepts community service from
4 offenders.

5 (b) "Community service" means uncompensated labor performed
6 by an offender for an agency.

7 (c) "Court" means any court of this state that has the
8 authority to order probation, and includes its probation
9 department and any other of its offices or instrumentalities that
10 are responsible for funding or supervising community service.

1 (d) "Gross negligence" means conduct so reckless as to
2 demonstrate a substantial lack of concern for whether an injury
3 results.

4 Sec. 2. (1) The court and any officer or employee of the
5 court shall not be liable for civil damages for injury or damage
6 resulting from or arising out of the assignment of an offender to
7 community service, the work performed as community service, or
8 the supervision of an offender during his or her community serv-
9 ice, except for injury or damage resulting from actions or omis-
10 sions of the court, officer, or employee that amount to gross
11 negligence.

12 (2) An agency, or any director, officer, or employee of an
13 agency, shall not be liable for civil damages for injury or
14 damage resulting from or arising out of the work performed as
15 community service, or the supervision of an offender during his
16 or her community service, except for injury or damage resulting
17 from actions or omissions of the agency, officer, or employee
18 that amount to gross negligence.

19 Sec. 3. The immunity from liability granted under section 2
20 supplements, and is in addition to, the immunity from liability
21 granted to governmental agencies under Act No. 170 of the Public
22 Acts of 1964, being sections 691.1401 to 691.1415 of the Michigan
23 Compiled Laws, and where Act No. 170 of the Public Acts of 1964
24 provides greater immunity to an individual, that greater immunity
25 applies.