



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 421 (Substitute S-2 as reported)
Sponsor: Senator William Van Regenmorter
Committee: Judiciary

CONTENT

The bill would amend the Revised Judicature Act to require that a party to a civil proceeding, who compelled the appearance of a law enforcement agency employee at that proceeding under subpoena or court order, pay to the witness's employer the actual wages earned by the employee for the period of attendance. The bill would take effect on October 1, 1995, and would apply to all civil causes of action filed on or after that date.

The requirement would apply if the employee's attendance related to an event he or she witnessed or took part in while performing his or her duties; the employee's attendance occurred during a period of time in which he or she would otherwise be performing his or her duties; and neither the employee nor his or her employer was a party to the civil proceeding.

"Employee" and "law enforcement employee" would mean a sheriff or sheriff's deputy; a village or township marshal; an officer of the Michigan State Police; an officer trained and certified pursuant to the Michigan Law Enforcement Officers Training Council Act, and employed by the State or by a city, village, township, or county; a corrections officer, as that term is defined in the Michigan Penal Code (i.e., any prison or jail guard or other prison or jail personnel; any personnel of a boot camp or other minimum security correctional facility; and any parole or probation officer); or an individual employed by the State or by a city, village, township, or county and acting under the direction of a sheriff or sheriff's deputy, village or township marshal, Michigan State Police officer, State or local officer trained and certified under the Michigan Law Enforcement Officers Training Council Act, or corrections officer.

MCL 600.2552

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. Should a party be required to pay a law enforcement agency employee's employer the actual wages earned for the period of attendance at a civil proceeding in which the employee's presence was requested by that party, the cost to that party likely would range from \$150 per full day of attendance down to a lesser amount, depending on the employee's rank and the pay rate of the law enforcement agency involved. The payment would be deposited in the general fund of the governmental unit that employed the witness. The number of law enforcement agency employees who testify in civil proceedings in the State is not known; therefore, the amount of funds a given governmental unit could receive in a given year under this bill cannot be determined at this time.

Date Completed: 4-24-95

Fiscal Analyst: B. Baker

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.