

HOUSE BILL No. 4178

(As amended October 16, 2003)

February 11, 2003, Introduced by Reps. Shackleton and Rocca and referred to the Committee on Appropriations.

A bill to provide compensation to dependents of public safety officers who are killed or who are permanently and totally disabled in the line of duty; to create the public safety officers benefit fund; to prescribe the duties and responsibilities of certain state officers; and to make an appropriation.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known as the "public safety
2 officers benefit act".

3 Sec. 2. As used in this act:

4 (a) ["Commission" means the commission on law enforcement standards
created under the commission on law enforcement standards act, 1965 PA
203, MCL 28.601 to 28.616.]

5 (b) "Dependent" means any individual who was substantially
6 reliant for support upon the income of the deceased public safety
7 officer.

8 (c) "Direct and proximate" means that the antecedent event is

1 a substantial factor in the result.

2 (d) "Firefighter" means a regularly employed member of a fire
3 department of a city, county, township, village, state
4 university, or community college or a member of the department of
5 natural resources who is employed to fight fires. Firefighter
6 includes a volunteer member of a fire department.

7 (e) "Law enforcement officer" means an individual involved in
8 crime and juvenile delinquency control or reduction or
9 enforcement of the criminal law. Law enforcement officer
10 includes police, corrections, probation, parole, bailiffs, or
11 other similar court officers.

12 (f) "Line of duty" means either of the following:

13 (i) Any action which an officer whose primary function is
14 crime control or reduction, enforcement of the criminal law, or
15 suppression of fires is obligated or authorized by rule,
16 regulations, condition of employment or service, or law to
17 perform, including those social, ceremonial, or athletic
18 functions to which the officer is assigned, or for which the
19 officer is compensated, by the public agency he serves. For
20 other officers, line of duty means any action the officer is so
21 obligated or authorized to perform in the course or controlling
22 or reducing crime, enforcing the criminal law, or suppressing
23 fires.

24 (ii) Any action which an officially recognized or designated
25 public employee member of a rescue squad or ambulance crew is
26 obligated or authorized by rule, regulation, condition of
27 employment or service, or law to perform.

1 (g) "Member of a rescue squad or ambulance crew" means an
2 officially recognized or designated employee or volunteer member
3 of a rescue squad or ambulance crew.

4 (h) "Permanent and total disability" means medically
5 determinable consequences of a catastrophic, line-of-duty injury
6 that permanently prevent a former public safety officer from
7 performing any gainful work.

8 (i) "Public safety officer" means any individual serving a
9 public agency in an official capacity, with or without
10 compensation, as a law enforcement officer, firefighter, rescue
11 squad member, or ambulance crew member.

12 (j) "Surviving spouse" means the husband or wife of the
13 deceased officer at the time of the officer's death, and includes
14 a spouse living apart from the officer at the time of the
15 officer's death for any reason.

16 Sec. 3. (1) The public safety officers benefit fund is
17 created within the state treasury.

18 (2) The state treasurer may receive money or other assets
19 from any source for deposit into the fund. The state treasurer
20 shall direct the investment of the fund. The state treasurer
21 shall credit to the fund interest and earnings from fund
22 investments.

23 (3) Money in the fund at the close of the fiscal year shall
24 remain in the fund and shall not lapse to the general fund.

25 (4) The [commission] shall expend money from
26 the fund, upon appropriation, only to carry out the purposes of
27 this act.

1 (5) The [commission] shall promulgate rules
2 pursuant to the administrative procedures act of 1969, 1969
3 PA 306, MCL 24.201 to 24.328, that prescribe standards and rules
4 for the distribution of benefits commensurate with the purpose of
5 this act.

6 Sec. 4. (1) If a public safety officer dies or is
7 permanently and totally disabled as the direct and proximate
8 result of a personal injury sustained in the line of duty, the
9 state shall pay a benefit of \$25,000.00 to 1 of the following:

10 (a) If the deceased public safety officer leaves a surviving
11 spouse, to that surviving spouse.

12 (b) If the deceased public safety officer does not leave a
13 surviving spouse, to his or her dependents.

14 (c) If the public safety officer does not leave a surviving
15 spouse or any surviving dependents, payment shall be made to the
16 estate of the deceased public safety officer.

17 (d) If the public safety officer is permanently and totally
18 disabled, to the spouse, but if there is no spouse, to the
19 dependents, and if there are no dependents, then to the entity
20 providing care to the permanently and totally disabled public
21 safety officer.

22 (2) The benefit shall be paid in addition to any other
23 benefit that the beneficiary receives due to the death of the
24 public safety officer.

25 Sec. 5. (1) If it appears to the [commission] that a benefit
26 will be paid under section 4, and if a showing of need is made,
27 the [commission] may make an interim benefit payment of not more

1 than \$3,000.00 to the person or entity who would be entitled to
2 receive the full benefit payment.

3 (2) The amount of an interim benefit payment shall be
4 deducted from the amount of any final benefit paid.

5 (3) If an interim benefit is paid under this section, but a
6 final benefit in that case is not paid because the death or the
7 permanent and total disability of the public safety officer is
8 determined not to be covered under section 4, the recipient of
9 the interim benefit payment is liable for repayment of that
10 benefit payment. However, the state may waive its right to
11 repayment of all or part of the interim benefit payment if
12 substantial hardship would result to the recipient.

13 Sec. 6. A benefit payment shall not be made under this act
14 if any of the following apply:

15 (a) The personal injury that resulted in death or permanent
16 and total disability was caused by the intentional misconduct of
17 the public safety officer or by his or her intent to bring about
18 the injury.

19 (b) The public safety officer was voluntarily intoxicated at
20 the time the personal injury occurred.

21 (c) The public safety officer was performing his or her
22 duties in a grossly negligent manner at the time the personal
23 injury occurred.

24 (d) The injury was the direct and proximate result of the
25 actions of an individual to whom payment would be made under this
26 act.

27 Sec. 7. The legislature shall appropriate sufficient money

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1 for deposit into the public safety officers benefit fund to carry
2 out the purpose of this act.

3 Sec. 8. The payment of benefits under this act is subject
4 to an appropriation by the legislature of money necessary to make
5 the payment.

6 Enacting section 1. This act takes effect [October 1, 2003.]