



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 39 (as introduced 1-27-09)
Sponsor: Senator Raymond E. Basham
Committee: Judiciary

Date Completed: 11-2-10

CONTENT

The bill would amend the governmental immunity law to extend immunity to a peace officer who assisted an individual outside the geographical boundaries of the local unit where the officer was employed.

Under the law, except as it otherwise provides, and without regard to the discretionary or ministerial nature of the conduct in question, each officer and employee of a governmental agency is immune from tort liability for an injury to a person or damage to property caused by the officer or employee while in the course of employment or service. That immunity applies if all of the following are met:

- The officer or employee is acting or reasonably believes he or she is acting within the scope of his or her authority.
- The governmental agency is engaged in the exercise or discharge of a governmental function.
- The officer's or employee's conduct does not amount to gross negligence that is the proximate cause of the injury or damage.

Under the bill, "course of employment or service", if the officer or employee were a peace officer, would include coming to the aid of an individual who was threatened with injury or death while the officer was outside the geographical boundaries of the county, city, village, township, or university that employed the officer.

MCL 691.1407

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would result in indeterminate savings to the State and local units of government related to potential future liability.

Fiscal Analyst: Bill Bowerman

S0910\39sa

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.