



Senate Fiscal Agency
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BILL



ANALYSIS

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Senate Bill 877 (as reported without amendment)
Sponsor: Senator Marty Knollenberg
Committee: Judiciary

CONTENT

The bill would amend the governmental immunity law to do the following:

- Specify that a member, officer, employee, or agent of a governmental agency or a volunteer who engaged in sexual misconduct while employed by or acting on behalf of the governmental agency would not be immune under the law from tort liability.
- Specify that a governmental agency would not be immune from tort liability for sexual misconduct that a member, officer, employee, or agent of the governmental agency engaged in while employed by or acting on behalf of the government agency.

"Sexual misconduct" would mean the following conduct regardless of whether it resulted in a criminal conviction: female genital mutilation, contributing to the neglect or delinquency of a minor, accosting or soliciting a minor for immoral purposes, child sexually abusive activity, first-, second-, third-, or fourth-degree criminal sexual conduct (CSC), or assault with intent to commit CSC.

("Governmental agency" means the State or a political subdivision.)

The bill would apply to conduct that occurred after December 31, 1992.

Proposed MCL 691.1407d

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill would have an uncertain, but potentially large impact on the State and local government due to an increase in court filings.

As the bill would eliminate governmental immunity for agencies and employees for sexual misconduct from 1993 and beyond, a large number of new case filings could result. If so, additional State and local assistance could be required for administrative costs and salaries. The bills also could result in significant costs to the State and local units for judgments, settlements, and litigation costs.

Date Completed: 3-2-18

Fiscal Analyst: Michael Siracuse