

SENATE BILL No. 877

February 27, 2018, Introduced by Senators KNOLLENBERG, O'BRIEN, JONES, HORN, KNEZEK, HERTEL, BIEDA, ROCCA, EMMONS, CONYERS, ANANICH, HOPGOOD, COLBECK, BRANDENBURG, STAMAS, MARLEAU, ZORN, KOWALL and SHIRKEY and referred to the Committee on Judiciary.

A bill to amend 1964 PA 170, entitled

"An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, officers, employees, and volunteers thereof, and members of certain boards, councils, and task forces when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit this liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of this liability; to provide for defending certain claims made against public officers, employees, and volunteers and for paying damages sought or awarded against them; to provide for the legal defense of public officers, employees, and volunteers; to provide for reimbursement of public officers and employees for certain legal expenses; and to repeal acts and parts of acts,"

(MCL 691.1401 to 691.1419) by adding section 7d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 7D. (1) A MEMBER, OFFICER, EMPLOYEE, OR AGENT OF A
2 GOVERNMENTAL AGENCY OR A VOLUNTEER ACTING ON BEHALF OF A
3 GOVERNMENTAL AGENCY WHO ENGAGES IN SEXUAL MISCONDUCT WHILE IN THE
4 COURSE OF EMPLOYMENT OR SERVICE OR WHILE ACTING ON BEHALF OF THE

1 GOVERNMENTAL AGENCY IS NOT IMMUNE UNDER THIS ACT FROM TORT
2 LIABILITY.

3 (2) A GOVERNMENTAL AGENCY IS NOT IMMUNE UNDER THIS ACT FROM
4 TORT LIABILITY FOR SEXUAL MISCONDUCT THAT A MEMBER, OFFICER,
5 EMPLOYEE, OR AGENT OF THE GOVERNMENTAL AGENCY ENGAGES IN DURING THE
6 COURSE OF EMPLOYMENT OR SERVICE OR WHILE ACTING ON BEHALF OF THE
7 GOVERNMENTAL AGENCY.

8 (3) THIS SECTION APPLIES TO CONDUCT THAT OCCURS AFTER DECEMBER
9 31, 1992.

10 (4) AS USED IN THIS SECTION, "SEXUAL MISCONDUCT" MEANS CONDUCT
11 DESCRIBED IN SECTION 136, 145A, 145B, 145C, 520B, 520C, 520D, 520E,
12 OR 520G OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.136,
13 750.145A, 750.145B, 750.145C, 750.520B, 750.520C, 750.520D,
14 750.520E, AND 750.520G, REGARDLESS OF WHETHER THE CONDUCT RESULTED
15 IN A CRIMINAL CONVICTION.

16 Enacting section 1. This amendatory act takes effect 90 days
17 after the date it is enacted into law.