

Legislative Analysis



AUTHORITY TO PROVIDE LEGAL SERVICES UNDER CERTAIN CIRCUMSTANCES

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Senate Bill 1244 (S-1) as passed by the Senate

Sponsor: Sen. Tom Barrett

House Committee: Judiciary

Senate Committee: Government Operations [Discharged]

Complete to 12-15-20

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

Senate Bill 1244 would amend the Governmental Liability for Negligence Act to provide that current provisions govern certain circumstances regarding when a governmental agency can pay for, engage, or furnish the services of an attorney.

Currently under the act, when a claim is made or a civil or criminal action is commenced against an officer, employee, or volunteer of a governmental agency while engaged in the course of employment or acting on behalf of the governmental agency, then the governmental agency can pay for, engage, or furnish the services of an attorney to advise the officer, employee, or volunteer in the action. Additionally, expenses incurred during the course of the claim or action can be indemnified and paid for by the governmental agency.

The bill would provide that the current provisions govern the governmental agency's authority to pay for, engage, or furnish services of an attorney to advise the officer, employee, or volunteer as to the claim or action, as well as to appear for and represent the officer, employee, or volunteer in the action.

The bill states that it does not intend to affect existing constitutional, statutory, and common law powers and duties of the attorney general.

The bill would be applied retroactively, with no specified start date.

MCL 691.1408

FISCAL IMPACT:

Senate Bill 1244 would have no fiscal impact on the state or on local units of government.

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