

# SENATE BILL NO. 260

April 23, 2025, Introduced by Senators IRWIN, MCMORROW and HERTEL and referred to Committee on Civil Rights, Judiciary, and Public Safety.

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,"

by amending section 7 (MCL 691.1407), as amended by 2013 PA 173, and by adding section 7d.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 7. (1) Except as otherwise provided in this act, a  
2 governmental agency is immune from tort liability if the  
3 governmental agency is engaged in the exercise or discharge of a  
4 governmental function. Except as otherwise provided in this act,  
5 this act does not modify or restrict the immunity of the state from  
6 tort liability as it existed before July 1, 1965, which immunity is  
7 affirmed.

8       (2) Except as otherwise provided in this ~~section~~, ~~act~~, and  
9 without regard to the discretionary or ministerial nature of the  
10 conduct in question, each officer and employee of a governmental  
11 agency, each volunteer acting on behalf of a governmental agency,  
12 and each member of a board, council, commission, or statutorily  
13 created task force of a governmental agency is immune from tort  
14 liability for an injury to a person or damage to property caused by  
15 the officer, employee, or member while in the course of employment  
16 or service or caused by the volunteer while acting on behalf of a  
17 governmental agency if all of the following are met:

18       (a) The officer, employee, member, or volunteer is acting or  
19 reasonably believes he or she is acting within the scope of his or  
20 her authority.

21       (b) The governmental agency is engaged in the exercise or  
22 discharge of a governmental function.

23       (c) The officer's, employee's, member's, or volunteer's  
24 conduct does not amount to gross negligence that is the proximate

1 cause of the injury or damage.

2 (3) Subsection (2) does not alter the law of intentional torts  
3 as it existed before July 7, 1986.

4 (4) This act does not grant immunity to a governmental agency  
5 or an employee or agent of a governmental agency with respect to  
6 providing medical care or treatment to a patient, except medical  
7 care or treatment provided to a patient in a hospital owned or  
8 operated by the department of ~~community~~ health **and human services**  
9 or a hospital owned or operated by the department of corrections  
10 and except care or treatment provided by an uncompensated search  
11 and rescue operation medical assistant or tactical operation  
12 medical assistant.

13 (5) A judge, a legislator, and the elective or highest  
14 appointive executive official of all levels of government are  
15 immune from tort liability for injuries to persons or damages to  
16 property if he or she is acting within the scope of his or her  
17 judicial, legislative, or executive authority.

18 (6) A guardian ad litem is immune from civil liability for an  
19 injury to a person or damage to property if he or she is acting  
20 within the scope of his or her authority as guardian ad litem. This  
21 subsection applies to actions filed before, on, or after May 1,  
22 1996.

23 (7) The immunity provided by this act does not apply to  
24 liability of a governmental agency under the MISS DIG underground  
25 facility damage prevention and safety act, **2013 PA 174, MCL 460.721**  
26 **to 460.733.**

27 (8) As used in this section:

28 (a) "Gross negligence" means conduct so reckless as to  
29 demonstrate a substantial lack of concern for whether an injury

1 results.

2 (b) "Search and rescue operation" means an action by a  
3 governmental agency to search for, rescue, or recover victims of a  
4 natural or manmade disaster, accident, or emergency on land or  
5 water.

6 (c) "Search and rescue operation medical assistant" means an  
7 individual licensed to practice 1 or more of the occupations listed  
8 in subdivision (e), acting within the scope of the license, and  
9 assisting a governmental agency in a search and rescue operation.

10 (d) "Tactical operation" means a coordinated, planned action  
11 by a special operations, weapons, or response team of a law  
12 enforcement agency that is 1 of the following:

13 (i) Taken to deal with imminent violence, a riot, an act of  
14 terrorism, or a similar civic emergency.

15 (ii) The entry into a building, area, watercraft, aircraft,  
16 land vehicle, or body of water to seize evidence, or to arrest an  
17 individual for a felony, under the authority of a warrant issued by  
18 a court.

19 (iii) Training for the team.

20 (e) "Tactical operation medical assistant" means an individual  
21 licensed to practice 1 or more of the following, acting within the  
22 scope of the license, and assisting law enforcement officers while  
23 they are engaged in a tactical operation:

24 (i) Medicine, osteopathic medicine and surgery, or as a  
25 registered professional nurse, under article 15 of the public  
26 health code, 1978 PA 368, MCL 333.16101 to 333.18838.

27 (ii) As an emergency medical technician, emergency medical  
28 technician specialist, or paramedic under part 209 of the public  
29 health code, 1978 PA 368, MCL 333.20901 to 333.20979.

1       Sec. 7d. (1) Subject to subsection (2), a public university or  
2 college or a school district is not immune under this act from tort  
3 liability for criminal sexual conduct that an employee or agent of  
4 the public university or college or school district engages in  
5 during the course of employment or service or while acting on  
6 behalf of the public university or college or school district if  
7 either of the following applies:

8       (a) The public university or college or school district was  
9 negligent in the hiring, supervision, or training of the employee  
10 or agent.

11       (b) The public university or college or school district had  
12 actual or constructive knowledge of the criminal sexual conduct and  
13 failed to report the criminal sexual conduct to an appropriate law  
14 enforcement agency.

15       (2) A public university or college or school district may be  
16 held liable for the criminal sexual conduct of an employee or agent  
17 committed during the course of employment or service or while  
18 acting on behalf of the public university or college or school  
19 district only if both of the following apply:

20       (a) The public university or college or school district had  
21 either of the following:

22       (i) Actual or constructive knowledge that the individual  
23 committed a prior act of criminal sexual conduct.

24       (ii) Actual or constructive knowledge of the member, officer,  
25 employee, or agent's propensity to act in accordance with a prior  
26 act of criminal sexual conduct.

27       (b) The public university or college or school district failed  
28 to act or intervene to prevent the subsequent criminal sexual  
29 conduct.

1       (3) Nothing in this, any previous, or any subsequent act  
2 limits the availability of causes of action permitted to a  
3 plaintiff, including causes of action against persons other than  
4 the individual alleged to have committed the criminal sexual  
5 conduct.

6       (4) For purposes of this section, it is not necessary for a  
7 criminal prosecution or other proceeding to have been brought as a  
8 result of the criminal sexual conduct or if a criminal prosecution  
9 or other proceeding has been brought, for the prosecution or  
10 proceeding to have resulted in a conviction or adjudication.

11       (5) This section applies retroactively to an action commenced  
12 under section 5851b(4) of the revised judicature act of 1961, 1961  
13 PA 236, MCL 600.5851b.

14       (6) As used in this section only:

15       (a) "Adjudication" means an adjudication of 1 or more offenses  
16 under chapter XIIA of the probate code of 1939, 1939 PA 288, MCL  
17 712A.1 to 712A.32.

18       (b) "Criminal sexual conduct" means conduct prohibited under  
19 section 520b, 520c, 520d, 520e, or 520g of the Michigan penal code,  
20 1931 PA 328, MCL 750.520b, 750.520c, 750.520d, 750.520e, and  
21 750.520g.

22       (c) "School district" includes both of the following:

23       (i) An intermediate school district as that term as defined in  
24 section 4 of the revised school code, 1976 PA 451, MCL 380.4.

25       (ii) A public school academy as that term as defined in section  
26 5 of the revised school code, 1976 PA 451, MCL 380.5.

27       Enacting section 1. This amendatory act does not take effect  
28 unless Senate Bill No. 257. of the 103rd Legislature is enacted  
29 into law.