

GOVERNMENTAL LIABILITY FOR NEGLIGENCE (EXCERPT)
Act 170 of 1964

691.1408 Claim or civil action against officer or employee of governmental agency for injuries caused by negligence; services of attorney; payment of claim; judgment for damages; indemnification; payment or settlement of judgment; criminal action against officer or employee of governmental agency; services of attorney; reimbursement for legal expenses; liability on governmental agency not imposed.

Sec. 8. (1) If a claim is made or a civil action is commenced against an officer, employee, or volunteer of a governmental agency for injuries to persons or property caused by negligence of the officer, employee, or volunteer while in the course of employment with or acting on behalf of the governmental agency and while acting within the scope of his or her authority, the governmental agency may pay for, engage, or furnish the services of an attorney to advise the officer, employee, or volunteer as to the claim and to appear for and represent the officer, employee, or volunteer in the action. The governmental agency may compromise, settle, and pay the claim before or after the commencement of a civil action. If a judgment for damages is awarded against an officer, employee, or volunteer of a governmental agency as a result of a civil action for personal injuries or property damage caused by the officer, employee, or volunteer while in the course of employment and while acting within the scope of his or her authority, the governmental agency may indemnify the officer, employee, or volunteer or pay, settle, or compromise the judgment.

(2) If a criminal action is commenced against an officer or employee of a governmental agency based on the conduct of the officer or employee in the course of employment, if the employee or officer had a reasonable basis for believing that he or she was acting within the scope of his or her authority at the time of the alleged conduct, the governmental agency may pay for, engage, or furnish the services of an attorney to advise the officer or employee as to the action, and to appear for and represent the officer or employee in the action. An officer or employee who has incurred legal expenses after December 31, 1975 for conduct described in this subsection may obtain reimbursement for those expenses under this subsection.

(3) A governmental agency may pay for, engage, or furnish the services of an attorney to advise an officer, employee, or volunteer of the governmental agency, and to appear for and represent the officer, employee, or volunteer, in connection with civil or criminal litigation or an investigation or proceeding if the litigation, investigation, or proceeding involves the officer, employee, or volunteer as a result of his or her conduct in the course of employment with or actions taken on behalf of the governmental agency, subject to the following limitations:

(a) If a claim is made or a civil action is commenced against the officer, employee, or volunteer, subsection (1) of this section governs the governmental agency's authority to pay for, engage, or furnish the services of an attorney to advise the officer, employee, or volunteer as to the claim and to appear for and represent the officer, employee, or volunteer in the action.

(b) If a criminal action is commenced against the officer, employee, or volunteer, subsection (2) of this section governs the governmental agency's authority to pay for, engage, or furnish the services of an attorney to advise the officer, employee, or volunteer as to the action, and to appear for and represent the officer, employee, or volunteer in the action.

(4) This section does not impose liability on a governmental agency.

(5) This section is not intended to affect existing constitutional, statutory, and common law powers and duties of the Attorney General.

History: 1964, Act 170, Eff. July 1, 1965;—Am. 1978, Act 141, Imd. Eff. May 11, 1978;—Am. 2002, Act 400, Imd. Eff. May 30, 2002;—Am. 2020, Act 357, Imd. Eff. Dec. 30, 2020.

Compiler's note: Enacting section 1 of Act 357 of 2020 provides:
"Enacting section 1. This amendatory act applies retroactively."

Popular name: Governmental Immunity Act