



# SENATE BILL No. 497

March 11, 1993, Introduced by Senator WELBORN and referred to the Committee on Judiciary.

A bill to provide immunity from civil liability to courts and certain other governmental and nongovernmental agencies and organizations and their employees, officers, and directors with respect to the performance of community service by offenders.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. (1) As used in this act:

2       (a) "Agency" means a nonprofit organization, or a governmen-  
3 tal unit or other public body that accepts community service from  
4 offenders.

5       (b) "Community service" means uncompensated labor performed  
6 by an offender for an agency for the purpose of enhancing the  
7 physical, intellectual, or mental well-being, environmental qual-  
8 ity, or social welfare of the community.

9       (c) "Court" means a court of this state that has the  
10 authority to order probation, and includes its probation

1 department and any other of its offices or instrumentalities that  
2 are responsible for funding or supervising community service.

3 (d) "Gross negligence" means conduct so reckless as to  
4 demonstrate a substantial lack of concern for whether an injury  
5 results.

6 (2) The court and any officer or employee of the court is  
7 not liable for civil damages for injury or damage resulting from  
8 or arising out of the assignment of an offender to community  
9 service, the work performed as community service, or the supervi-  
10 sion of an offender during his or her community service, except  
11 for injury or damage resulting from actions or omissions of the  
12 court, officer, or employee that amount to gross negligence.

13 (3) An agency, or any director, officer, or employee of an  
14 agency, is not liable for civil damages for injury or damage  
15 resulting from or arising out of the work performed as community  
16 service, or the supervision of an offender during his or her com-  
17 munity service, except for injury or damage resulting from  
18 actions or omissions of the agency, officer, or employee that  
19 amount to gross negligence.

20 (4) The immunity from liability granted under subsections  
21 (2) and (3) supplements, and is in addition to, the immunity from  
22 liability granted to governmental agencies under Act No. 170 of  
23 the Public Acts of 1964, being sections 691.1401 to 691.1415 of  
24 the Michigan Compiled Laws, and where Act No. 170 of the Public  
25 Acts of 1964 provides greater immunity to an individual, that  
26 greater immunity applies.

