

HOUSE BILL No. 4826

May 24, 2001, Introduced by Reps. Shackleton, Richardville, Raczkowski, Ehardt, Voorhees, Stewart, Kowall, Neumann, Rocca, Adamini, Rich Brown and Bovin and referred to the Committee on Appropriations.

A bill to provide compensation to law enforcement officers who are killed in the line of duty.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) If a law enforcement officer dies as the direct
2 and proximate result of a personal injury sustained in the line
3 of duty, the state shall pay a benefit of \$100,000.00 to the sur-
4 viving spouse or dependents of the law enforcement officer.

5 (2) If the law enforcement officer does not leave a surviv-
6 ing spouse or any dependents, payment shall be made to the estate
7 of the law enforcement officer.

8 Sec. 2. (1) If it is determined by the state that a benefit
9 probably will be paid to the surviving spouse or dependents of a
10 slain law enforcement officer under section 1, and if a showing
11 of need is made, the state may make an interim benefit payment of
12 not more than \$3,000.00 to the surviving spouse or dependents of

1 the law enforcement officer who would be entitled to receive the
2 full benefit payment under section 1.

3 (2) The amount of an interim benefit payment shall be
4 deducted from the amount of any final benefit paid to a surviving
5 spouse or dependents.

6 (3) If an interim benefit is paid under this section, but a
7 final benefit in that case is not paid because the death of the
8 law enforcement officer is determined not to be covered under
9 section 1, the recipient of the interim benefit payment is liable
10 for repayment of that benefit payment. However, the state may
11 waive its right to repayment of all or part of the interim bene-
12 fit payment if substantial hardship would result to the
13 recipient.

14 Sec. 3. A benefit payment shall not be made under this act
15 if any of the following apply:

16 (a) The personal injury that resulted in death was caused by
17 the intentional misconduct of the law enforcement officer or by
18 the law enforcement officer's intent to bring about the injury.

19 (b) The law enforcement officer was voluntarily intoxicated
20 at the time the personal injury was incurred.

21 (c) The law enforcement officer was performing his or her
22 duties in a grossly negligent manner at the time the personal
23 injury was incurred.

24 (d) The actions of an individual to whom payment would be
25 made under this act substantially contributed to the causation of
26 the personal injury.

1 Sec. 4. On October 1 of each fiscal year beginning after
2 the effective date of this section, the benefit payment amounts
3 in sections 1 and 2 shall be adjusted to reflect the annual per-
4 centage change in the consumer price index for all urban consum-
5 ers, published by the federal bureau of labor statistics, as cer-
6 tified by the state department of management and budget.

7 Sec. 5. The payment of benefits under this act is subject
8 to the appropriation by the state of funds necessary to make
9 those payments.

10 Sec. 6. As used in this act:

11 (a) "Dependent" means the children of the law enforcement
12 officer, if dependent; the mother, father, or both, of the law
13 enforcement officer, if dependent; and the brothers and sisters
14 of the law enforcement officer, if dependent; in the order
15 named.

16 (b) "Law enforcement officer" means a regularly employed
17 member of a police force or other organization of a city, county,
18 township, village, state university, or community college in this
19 state who is responsible for the prevention and detection of
20 crime and the enforcement of the general criminal laws of this
21 state. However, law enforcement officer does not include a state
22 police officer.

23 (c) "Surviving spouse" means the spouse of the law enforce-
24 ment officer, if living, and until remarriage.