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BILL ANALYSIS

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Senate Bill 88 (as introduced 1-25-07)
Sponsor: Senator Raymond E. Basham
Committee: Judiciary

Date Completed: 3-2-07

CONTENT

The bill would amend the governmental immunity Act to specify that "course of employment or service" would include, if the officer or employee of a governmental agency were a peace officer, coming to the aid of an individual who was threatened with injury or death while the officer was outside the geographical boundaries of the county, city, village, township, or university that employed him or her.

The Act extends tort immunity to a governmental employee, officer, or volunteer for injury or damage caused while in the "course of employment or service". Specifically, without regard to the discretionary or ministerial nature of the conduct in question, each officer and employee of a governmental agency, each volunteer acting on behalf of a governmental agency, and each member of a board, council, commission, or statutorily created task force of a governmental agency is immune from tort liability for an injury to a person or damage to property caused by the officer, employee, or member while in the course of employment or service or caused by the volunteer while acting on behalf of a governmental agency if all of the following are met:

- The officer, employee, member, or volunteer is acting or reasonably believes he or she is acting within the scope of his or her authority.
- The governmental agency is engaged in the exercise or discharge of a governmental function.
- The officer's, employee's, member's, or volunteer's conduct does not amount to gross negligence that is the proximate cause of the injury or damage.

MCL 691.1407

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Joe Carrasco

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