

Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

SFA

BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 4793 (Substitute H-1 as passed by the House)
Sponsor: Representative Andrew Richner
House Committee: Civil Law and the Judiciary
Senate Committee: Judiciary

Date Completed: 9-19-01

CONTENT

The bill would amend the definition of "governmental function" in the governmental immunity Act. That term currently means "an activity that is expressly or impliedly mandated or authorized by constitution, statute, local charter or ordinance, or other law". The bill specifies that "governmental function" would include an activity performed on public or private property by a sworn law enforcement officer, within the scope of his or her authority, and as directed or assigned by his or her public employer for the purpose of public safety.

The bill states that it would not limit or reduce the scope of a governmental function as defined by statute or common law.

MCL 691.1401

BACKGROUND

The governmental immunity Act provides that a governmental agency is immune from tort liability if the agency is engaged in the exercise or discharge of a governmental function, subject to certain exceptions. The Act also provides, with certain exceptions, that an employee of a governmental agency is immune from tort liability for an injury to a person or damage to property caused by the employee while acting on behalf of a governmental agency if all of the following apply:

- The employee 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 employee's conduct does not amount to gross negligence that is the proximate cause of the injury or damage.

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have an indeterminate impact on the State and local units of government depending on the extent to which the bill would prevent future liability.

Fiscal Analyst: B. Bowerman

S0102\4793sa

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.