

HOUSE BILL NO. 5194

July 01, 2021, Introduced by Reps. Witwer and Rabhi and referred to the Committee on Government Operations.

A bill to amend 2004 PA 46, entitled
"Public safety officers benefit act,"
by amending section 2 (MCL 28.632), as amended by 2016 PA 284.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 2. As used in this act:
- 2 (a) "Commission" means the **Michigan** commission on law
- 3 enforcement standards created under the **Michigan** commission on law

1 enforcement standards act, 1965 PA 203, MCL 28.601 to
2 ~~28.616-28.615~~.

3 (b) "Dependent" means any individual who was substantially
4 reliant for support upon the income of the deceased public safety
5 officer.

6 (c) "Direct and proximate" means that the antecedent event is
7 a substantial factor in the result.

8 (d) "Firefighter" means a regularly employed member of a fire
9 department of a city, county, township, village, state university,
10 or community college or any authority, district, board, or other
11 entity created in whole or in part by 1 or more cities, counties,
12 villages, or townships, or a member of the department of natural
13 resources who is employed to fight fires. Firefighter includes a
14 volunteer member of a fire department.

15 (e) "Law enforcement officer" means an individual involved in
16 crime and juvenile delinquency control or reduction or **in**
17 enforcement of the criminal law. Law enforcement officer includes
18 police, corrections, probation, parole, bailiffs, or other similar
19 court officers.

20 (f) "Line of duty" means either of the following:

21 (i) Any action ~~which~~**that** an officer whose primary function is
22 crime control or reduction, enforcement of the criminal law, or
23 suppression of fires is obligated or authorized by rule,
24 regulations, condition of employment or service, or law to perform,
25 including those social, ceremonial, or athletic functions to which
26 the officer is assigned, or for which the officer is compensated,
27 by the public agency he or she serves. For other officers, line of
28 duty means any action the officer is so obligated or authorized to
29 perform in the course or controlling or reducing crime, enforcing

1 the criminal law, or suppressing fires.

2 (ii) Any action ~~which~~**that** an officially recognized or
3 designated public employee member of a rescue squad or ambulance
4 crew is obligated or authorized by rule, regulation, condition of
5 employment or service, or law to perform.

6 (g) "Medical benefit plan" means a plan to provide for the
7 payment of medical, optical, or dental benefits, including, but not
8 limited to, hospital and physician services, prescription drugs,
9 and related benefits.

10 (h) "Member of a rescue squad or ambulance crew" means an
11 emergency medical technician, a medical first responder, or a
12 paramedic, as those terms are defined in sections 20904, 20906, and
13 20908 of the public health code, 1978 PA 368, MCL 333.20904,
14 333.20906, and 333.20908, or an officially recognized or designated
15 employee or volunteer member of a rescue squad or ambulance crew.

16 (i) "Permanent and total disability" means medically
17 determinable consequences of a catastrophic, line-of-duty injury
18 that permanently prevent a former public safety officer from
19 performing any gainful work.

20 (j) "Public safety officer" or "officer" means any individual
21 serving a public agency or any authority, district, board, or other
22 entity created in whole or in part by 1 or more cities, counties,
23 villages, or townships, in an official capacity, with or without
24 compensation, as a law enforcement officer, firefighter, or member
25 of a rescue squad or ambulance crew.

26 (k) "Surviving spouse" means the ~~husband or wife~~**spouse** of the
27 deceased officer at the time of the officer's death, and includes a
28 spouse living apart from the officer at the time of the officer's
29 death for any reason.

1 Enacting section 1. This amendatory act does not take effect
2 unless Senate Joint Resolution ____ or House Joint Resolution ____
3 (request no. 02344'21) of the 101st Legislature becomes a part of
4 the state constitution of 1963 as provided in section 1 of article
5 XII of the state constitution of 1963.