



HOUSE BILL No. 5902

June 20, 2000, Introduced by Reps. Shackleton, Richardville, Kowall, Tabor, Julian, Sanborn, Howell, LaSata, Birkholz, Garcia, Green and DeVuyst and referred to the Committee on Appropriations.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) If a correctional 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 living spouse or dependents of the correctional officer.

5 (2) If the correctional officer does not leave a surviving
6 spouse or any dependents, payment shall be made to the estate of
7 the correctional 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 correctional officer under section 1, and if a showing of
11 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 correctional 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 correctional officer is determined not to be covered under sec-
9 tion 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 correctional officer or by the
18 correctional officer's intent to bring about the injury.

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

21 (c) The correctional 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) "Correctional officer" means a state correctional offi-
12 cer or a local correctional officer as those terms are defined in
13 section 2 of the correctional officers' training act of 1982,
14 1982 PA 415, MCL 791.502.

15 (b) "Dependent" means the children of the correctional offi-
16 cer, if dependent; the mother, father, or both, of the correc-
17 tional officer, if dependent; and the brothers and sisters of the
18 correctional officer, if dependent; in the order named.

19 (c) "Surviving spouse" means the spouse of the correctional
20 officer, if living, and until remarriage.