

SENATE BILL No. 1079

September 5, 2018, Introduced by Senators ANANICH, BIEDA, WARREN, HOPGOOD, YOUNG, KNEZEK, GREGORY and ROCCA and referred to the Committee on Government Operations.

A bill to amend 2004 PA 46, entitled
"Public safety officers benefit act,"
by amending sections 2 and 4 (MCL 28.632 and 28.634), section 2 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
4 enforcement standards act, 1965 PA 203, MCL 28.601 to
5 ~~28.616~~**28.615**.

6 (b) "Dependent" means any individual who was substantially
7 reliant for support upon the income of the deceased **OR PERMANENTLY**
8 **AND TOTALLY DISABLED** public safety officer.

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

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

10 (e) "Law enforcement officer" means an individual involved in
11 crime and juvenile delinquency control or reduction or enforcement
12 of the criminal law. Law enforcement officer includes police,
13 corrections, probation, parole, bailiffs, or other similar court
14 officers.

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

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

26 (ii) Any action which an officially recognized or designated
27 public employee member of a rescue squad or ambulance crew is

1 obligated or authorized by rule, regulation, condition of
2 employment or service, or law to perform.

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

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

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

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

23 (k) "Surviving spouse" means the husband or wife of the
24 deceased officer at the time of the officer's death, and includes a
25 spouse living apart from the officer at the time of the officer's
26 death for any reason.

27 Sec. 4. (1) If a public safety officer dies or is permanently

1 and totally disabled as the direct and proximate result of a
2 personal injury sustained in the line of duty, the state shall pay
3 a benefit of ~~\$25,000.00~~ **\$50,000.00** to 1 of the following:

4 (a) If the deceased public safety officer leaves a surviving
5 spouse, to that surviving spouse.

6 (b) If the deceased public safety officer does not leave a
7 surviving spouse, to his or her dependents.

8 (c) If the **DECEASED** public safety officer does not leave a
9 surviving spouse or any surviving dependents, payment shall be made
10 to the estate of the deceased public safety officer.

11 (d) If the public safety officer is permanently and totally
12 disabled, to the spouse, but if there is no spouse, to the
13 dependents, and if there are no dependents, then to the entity
14 providing care to the permanently and totally disabled public
15 safety officer.

16 (2) The benefit ~~shall~~ **MUST** be paid in addition to any other
17 benefit that the beneficiary receives due to the death of the
18 public safety officer.

19 Enacting section 1. This amendatory act takes effect 90 days
20 after the date it is enacted into law.