

# Legislative Analysis



## WRONGFUL IMPRISONMENT CLAIMS

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 5117 as introduced**  
**Sponsor: Rep. Kyra Harris Bolden**

Analysis available at  
<http://www.legislature.mi.gov>

**House Bill 5118 as introduced**  
**Sponsor: Rep. Julie Calley**

**Committee: Judiciary**  
**Complete to 10-21-19**

### SUMMARY:

House Bill 5118 would extend the window during which certain individuals who were wrongfully incarcerated could apply for compensation under the Wrongful Imprisonment Compensation Act, and House Bill 5117 would amend the Revised Judicature Act (RJA) to exempt claims for such compensation from statutes of limitations for filing a claim against the state that could otherwise restrict or bar claims filed under the Wrongful Imprisonment Compensation Act.

**House Bill 5117** would amend Chapter 64 (Court of Claims) of the RJA to specify that the following provisions pertaining to bringing an action against the state would not apply to a claim for compensation under the Wrongful Imprisonment Compensation Act:

- The requirement that a written claim against the state, or a written notice of intention to file a claim against the state, be filed with the clerk of the Court of Claims within one year after the claim accrued.
- For a claim against the state for property damage or personal injuries, the requirement that the claim or notice of intention to file a claim be filed with the clerk of the Court of Claims within six months after the event that gives rise to the claim.
- The requirements pertaining to information that must be included in or accompanying a claim or notice of intention to file a claim against the state.
- The permanent bar on bringing a claim against the state unless the claim is filed with the clerk of the Court of Claims, or an action commenced on the claim in federal court (as authorized under the RJA), within three years after the claim first accrues.

The bill would also make numerous revisions of a technical or editorial nature to update and clarify the language in several provisions.

Finally, the bill specifies that its amendments would apply retroactively to March 29, 2017 (the date the Wrongful Imprisonment Compensation Act became law).

MCL 600.6431 and 600.6452

**House Bill 5118** would amend the Wrongful Imprisonment Compensation Act. The window in which to file a claim for compensation under the act depends on the person's status at the time the act became law. Currently, an action for compensation must be commenced within three years after entry of a verdict, order, or judgment that reverses or vacates the conviction, with the charges being dismissed or the person being found not guilty on retrial. The bill would not change this window.

However, for an individual who had been convicted, imprisoned, and released from custody before the act's effective date (March 29, 2017), an action had to be commenced by 18 months after that date (September 29, 2018).

The bill would extend the deadline, or window, for these individuals to commence an action to 18 months after the date HB 5118 takes effect.

The bill specifies that its amendments apply retroactively to March 29, 2017.

MCL 691.1757

## **BACKGROUND INFORMATION:**

House Bills 5117 and 5118 are reintroductions of, respectively, Senate Bills 895 and 896 of the 2017-18 legislative session. Those bills were passed by the Senate and reported from the House Judiciary Committee.

## **FISCAL IMPACT:**

House Bills 5117 and 5118 would have an indeterminate fiscal impact on the state. The fiscal impact would depend on the number of additional filings that would occur as a result of provisions contained in the bills. Under HB 5117, the six-month filing deadline, found in the Revised Judicature Act, would no longer apply to Wrongful Imprisonment Compensation Act cases, and, under HB 5118, the filing deadline would be extended for another 18 months for prisoners exonerated before the Wrongful Imprisonment Compensation Act took effect.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.