



Senate Fiscal Agency

P.O. Box 30036

Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383

Fax: (517) 373-1986

Senate Bill 68 (Substitute S-1 as reported)
House Bills 5117 and 5118 (Substitute S-1 as reported)
Sponsor: Senator Paul Wojno (S.B. 68)
Representative Kyra Harris Bolden (H.B. 5117)
Representative Julie Calley (H.B. 5118)
Committee: Judiciary and Public Safety

CONTENT

Senate Bill 68 (S-1) would amend the Revised Judicature Act to specify that the periods of limitations for claims against the State would not apply to a claim for compensation under the Wrongful Imprisonment Compensation Act.

House Bill 5117 (S-1) would amend the Revised Judicature Act to specify that the requirement to file a claim or notice of intent to file a claim with the Court of Claims within six months after the event that gives rise to the claim would not apply to a claim for compensation under the Wrongful Imprisonment Compensation Act.

House Bill 5118 (S-1) would amend the Wrongful Imprisonment Compensation Act to specify that a person convicted, imprisoned, and released from custody before March 29, 2017, would have to commence an action under the Act within 18 months after the bill's effective date.

The bills are tie-barred. Sections 6452 and 6431 of the Revised Judicature Act, as amended by Senate Bill 68 (S-1) and House Bill 5117 (S-1), respectively, and Section 7 of the Wrongful Imprisonment Compensation Act, as amended by House Bill 5118 (S-1), would apply retroactively to March 29, 2017 (the effective date of the Wrongful Imprisonment Compensation Act).

MCL 600.6452 (S.B. 68)
600.6431 (H.B. 5117)
691.1757 (H.B. 5118)

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bills would have an indeterminate fiscal impact on the State and no fiscal impact on local units of government. Senate Bill 68 (S-1) would prevent a six-month filing deadline found in the Revised Judicature Act, specifically in MCL 600.6431 and 600.6452, from applying to the Wrongful Imprisonment Compensation Act. House Bill 5118 (S-1) would extend the filing deadline for prisoners exonerated before the Act took effect for another 18 months after enactment of the bill. The Act went into effect March 29, 2017, and gave those exonerated prisoners 18 months to file compensation claims for wrongful imprisonment at \$50,000 per year for time spent in prison, plus allowances for fines and attorneys' fees.

Currently, the Wrongful Imprisonment Compensation Fund has a balance of \$8.1 million, with \$4.3 million in identified cases that could receive a compensation. Claims totaling \$2.6 million had previously been dismissed by the Attorney General because of the claimants' failure to file within the timeframe of the Revised Judicature Act. The bills could allow additional

settlements to be paid out of the Fund by those claims that had previously been dismissed for failing to meet the filing deadline. Currently, there is a sufficient balance in the Fund to pay those previously dismissed claims.

Date Completed: 1-17-20

Fiscal Analyst: Cory Savino