



Senate Fiscal Agency
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House Bills 5117 and 5118 (as passed by the House)
Sponsor: Representative Kyra Harris Bolden (H.B. 5117)
Representative Julie Calley (H.B. 5118)
House Committee: Judiciary
Senate Committee: Judiciary and Public Safety

Date Completed: 12-10-19

CONTENT

House Bill 5117 would amend the Revised Judicature Act to do the following:

- **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.**
- **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 5118 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.

Sections 6431 and 6452 of the Revised Judicature Act, as amended by House Bill 5117, and Section 7 of the Wrongful Imprisonment Compensation Act, as amended by House Bill 5118, would apply retroactively to March 29, 2017 (the effective date of the Wrongful Imprisonment Compensation Act).

House Bill 5117

Section 6431 of the Revised Judicature Act specifies that a claim may not be maintained against the State unless the claimant, within one year after the claim has accrued, files with the clerk of the Court of Claims either a written claim or a written notice of intention to file a claim against the State or any of its departments, commissions, boards, institutions, arms, or agencies. The notice must include a signature and verification by the claimant before an officer authorized to administer oaths, a statement of the time and place where the claim arose, a statement of the nature of the claim, and a designation of the department, commission, board, institution, arm, or agency involved in connection with the claim. Also, if the claim is for property damage or personal injuries, the claim or notice must be filed within six months after the event that gives rise to the claim.

Under Section 6452 of the Act, every claim against the State, cognizable by the Court of Claims, is forever barred unless it is filed with the clerk of the Court or a suit is brought on the claim in Federal court, within three years after the claim first accrues. Except as otherwise provided, Chapter 58 (Limitation of Actions) of the Act also applies to the limitation prescribed

in Section 6452. (Chapter 58 establishes the periods of limitations for various actions, which limit the time a person has to bring an action.)

The bill specifies that Sections 6431 and 6452 would not apply to a claim for compensation under the Wrongful Imprisonment Compensation Act.

House Bill 5118

Under the Wrongful Imprisonment Compensation Act, an individual convicted under the law of the State and subsequently imprisoned in a State correctional facility for one or more crimes that he or she did not commit may bring an action for compensation against the State in the Court of Claims.

An action for compensation under the Act must be commenced within three years after entry of a verdict, order, or judgment as the result of an event described in the Act: the plaintiff's judgment of conviction was reversed or vacated and either the charges were dismissed or on retrial the plaintiff was found to be not guilty.

An individual convicted, imprisoned, and released from custody before the Act took effect on March 29, 2017, must commence an action within 18 months after that date.

Under the bill, 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.

MCL 600.6431 & 600.6452 (H.B. 5117)
691.1757 (H.B. 5118)

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bills would have an indeterminate impact on the State and no impact on local units of government. House Bill 5117 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 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 \$9.4 million with an additional four settlements that the Attorney General has approved for payment totaling \$1.1 million, leaving roughly \$8.3 million for additional settlements. Claims totaling \$2.6 million had previously been dismissed by the Attorney General mostly 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.

Fiscal Analyst: Cory Savino
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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.