

# SENATE BILL NO. 1067

June 07, 2022, Introduced by Senators WOZNIAK and WOJNO and referred to the Committee on Judiciary and Public Safety.

A bill to amend 2016 PA 343, entitled  
"Wrongful imprisonment compensation act,"  
by amending section 4 (MCL 691.1754).

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 4. (1) In an action under this act, the plaintiff shall  
2       attach to his or her verified complaint documentation that  
3       establishes all of the following:

4       (a) The plaintiff was convicted of 1 or more crimes under the  
5       law of this state, was sentenced to a term of imprisonment in a  
6       state correctional facility for the crime or crimes, and served at

1 least part of the sentence.

2 (b) The plaintiff's judgment of conviction was reversed or  
3 vacated and either the charges were dismissed or on retrial the  
4 plaintiff was found to be not guilty.

5 (c) New evidence ~~demonstrates~~ **was presented on appeal to which**  
6 **all of the following apply:**

7 (i) **The evidence demonstrated** that the plaintiff ~~was~~ **did** not  
8 ~~the perpetrator of~~ **perpetrate** the crime or crimes and was not an  
9 accessory or accomplice to the acts that were the basis of the  
10 conviction. ~~and~~

11 (ii) **The evidence** resulted in ~~a~~ **the** reversal or vacation of the  
12 **charges in the** judgment of conviction ~~, or a gubernatorial pardon.~~

13 (iii) **The evidence resulted in either** dismissal of ~~the~~ **all**  
14 charges ~~, or a finding of not guilty, or gubernatorial pardon on~~  
15 **all charges on retrial.**

16 (2) A complaint filed under this section must be verified by  
17 the plaintiff.

18 (3) A copy of a complaint filed under this section must be  
19 served on the attorney general and on the prosecuting attorney for  
20 the county in which the plaintiff was convicted. The attorney  
21 general and the prosecuting attorney may answer and contest the  
22 complaint.

23 (4) If the plaintiff's conviction was for an assaultive crime  
24 or a serious misdemeanor, the prosecuting attorney shall notify the  
25 victim of the assaultive crime or serious misdemeanor of the  
26 application in the same manner as is required for an application to  
27 have a conviction set aside under section 22a or 77a of the William  
28 Van Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.772a  
29 and 780.827a. The prosecuting attorney shall give the victim notice

1 under this subsection by first-class mail sent to the victim's last  
2 known address. The victim or victim's representative has the right  
3 to appear at any proceeding under this act concerning the complaint  
4 and to make a written or oral statement.

5 (5) The plaintiff, the attorney general, and the prosecuting  
6 attorney for the county in which the plaintiff was convicted may  
7 conduct discovery in an action under this act.