

**SUBSTITUTE FOR
HOUSE BILL NO. 4286**

A bill to amend 2016 PA 343, entitled
"Wrongful imprisonment compensation act,"
by amending the title and section 6 (MCL 691.1756).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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TITLE

An act to provide compensation and other relief for
individuals wrongfully imprisoned for crimes; to prescribe the
powers and duties of certain state and local governmental officers
and agencies; ~~and~~ to provide remedies; **AND TO MAKE AN
APPROPRIATION.**

Sec. 6. (1) The wrongful imprisonment compensation fund is
created as a separate fund in the state treasury.

(2) The state treasurer may receive money or other assets from
any source for deposit into the wrongful imprisonment compensation

1 fund.

2 (3) The state treasurer shall direct the investment of the
3 wrongful imprisonment compensation fund. The state treasurer shall
4 credit to the fund interest and earnings from fund investments.

5 (4) The department of treasury is the administrator of the
6 wrongful imprisonment compensation fund for auditing purposes.

7 (5) The state treasurer shall expend money from the wrongful
8 imprisonment compensation fund only for the purpose of paying
9 claims authorized under this act and costs of administration. The
10 state treasurer shall pay money from the fund in amounts and at the
11 times as ordered by the courts under this act.

12 (6) Money in the wrongful imprisonment compensation fund at
13 the close of the fiscal year must remain in the fund and not lapse
14 to the general fund.

15 (7) If there is insufficient money in the wrongful
16 imprisonment compensation fund to pay claims as ordered under this
17 act, the state treasurer shall pay claims that are ordered but not
18 paid if money becomes available in the fund, and pay those claims
19 before subsequently ordered claims. The state treasurer shall
20 develop and implement a process to notify the legislature that
21 money in the fund may be insufficient to cover future claims when
22 the state treasurer reasonably believes that within 60 days the
23 money in the fund will be insufficient to pay claims. The process
24 shall, at a minimum, do all of the following:

25 (a) Identify a specific date by which the money in the fund
26 will become insufficient to pay claims.

27 (b) Outline a clear process indicating the order in which

1 claims pending with the fund will be paid.

2 (c) Outline a clear process indicating the order in which
3 claims that were pending with the fund when money became
4 insufficient will be paid, if money subsequently becomes available.

5 **(8) THE ATTORNEY GENERAL SHALL REPORT QUARTERLY TO THE HOUSE
6 AND SENATE APPROPRIATIONS COMMITTEES, THE HOUSE AND SENATE FISCAL
7 AGENCIES, AND THE STATE BUDGET OFFICE ALL OF THE FOLLOWING AS OF
8 THE END OF THE QUARTER:**

9 **(A) ALL PAYMENTS MADE FROM THE WRONGFUL IMPRISONMENT
10 COMPENSATION FUND IN THE QUARTER, INDICATING FOR EACH PAYMENT
11 WHETHER IT IS FOR A NEW SETTLEMENT OR AWARD OR CONTINUED PAYMENT
12 FOR A PREVIOUS SETTLEMENT OR AWARD.**

13 **(B) ANY SETTLEMENTS THAT HAVE BEEN REACHED OR AWARDS THAT HAVE
14 BEEN MADE FOR WHICH PAYMENTS HAVE NOT BEEN MADE.**

15 **(C) THE NUMBER OF ACTIONS IN WHICH AN ORDER OR JUDGMENT HAS
16 BEEN ENTERED DENYING THE CLAIM, AND THE REASONS FOR EACH DENIAL.**

17 **(D) THE NUMBER OF KNOWN CLAIMS FOR COMPENSATION UNDER THIS ACT
18 FOR WHICH THERE ARE NO FINAL SETTLEMENTS OR AWARDS, INDICATING FOR
19 EACH CLAIM, IF KNOWN, THE AMOUNT CLAIMED AND THE POTENTIAL PAYMENT.**

20 **(E) THE BALANCE IN THE WRONGFUL IMPRISONMENT COMPENSATION
21 FUND.**

22 **(9) ~~(8)~~—Any compensation under this act must be paid from the
23 wrongful imprisonment compensation fund and not from any state
24 department's or agency's annual budget or current funding.**

25 **(10) THERE IS APPROPRIATED TO THE WRONGFUL IMPRISONMENT
26 COMPENSATION FUND FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2019,
27 \$10,000,000.00 FROM THE GENERAL FUND OF THIS STATE.**