

# HOUSE BILL No. 4286

February 28, 2019, Introduced by Rep. Steven Johnson and referred to the Committee on Appropriations.

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 KNOWN CLAIMS FOR COMPENSATION UNDER THIS ACT  
16 FOR WHICH THERE ARE NO FINAL SETTLEMENTS OR AWARDS, INDICATING FOR  
17 EACH CLAIM, IF KNOWN, THE AMOUNT CLAIMED AND THE POTENTIAL PAYMENT.

18 (D) THE BALANCE IN THE WRONGFUL IMPRISONMENT COMPENSATION  
19 FUND.

20 (9) ~~(8)~~ Any compensation under this act must be paid from the  
21 wrongful imprisonment compensation fund and not from any state  
22 department's or agency's annual budget or current funding.

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