



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 895 and 896 (as reported without amendment)
Sponsor: Senator Steven Bieda (S.B. 895)
Senator Rick Jones (S.B. 896)
Committee: Judiciary

CONTENT

Senate Bill 895 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.

Senate Bill 896 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 Senate Bill 895, and Section 7 of the Wrongful Imprisonment Compensation Act, as amended by Senate Bill 896, would apply retroactively to March 29, 2017 (the effective date of the Wrongful Imprisonment Compensation Act).

MCL 600.6431 & 600.6452 (S.B. 895)
691.1757 (S.B. 896)

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bills would have an indeterminate impact on the State and no impact on local units of government. Senate Bill 895 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 (WICA). Senate Bill 896 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 on 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.

Prior analyses of WICA prepared by the House and Senate Fiscal Agencies placed the cost of the Act to the State at \$12.8 million and \$13.1 million, respectively. Public Act 107 of 2017 appropriated \$5.0 million to the Wrongful Imprisonment Compensation Fund as a supplemental for FY 2016-17. The same Act appropriated \$1.8 million to the Department of Attorney General to defend the State in claims filed under WICA. To date, no additional appropriations have been made for compensation claims or the State's defense of such claims. As of February 1, 2018, the Wrongful Imprisonment Compensation Fund had an available balance of \$707,587.41.

Date Completed: 3-21-18

Fiscal Analyst: Michael Siracuse

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Bill Analysis @ www.senate.michigan.gov/sfa

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