



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bills 895 and 896 (as introduced 3-8-18)
Sponsor: Senator Steven Bieda (S.B. 895)
Senator Rick Jones (S.B. 896)
Committee: Judiciary

Date Completed: 3-20-18

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).

Senate Bill 895

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 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.

Senate Bill 896

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 (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.

Fiscal Analyst: Michael Siracuse

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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.