

WRONGFUL IMPRISONMENT COMPENSATION ACT (EXCERPT)
Act 343 of 2016

691.1756 Wrongful imprisonment compensation fund; report.

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 fund.
- (3) The state treasurer shall direct the investment of the wrongful imprisonment compensation fund. The state treasurer shall credit to the fund interest and earnings from fund investments.
- (4) The department of treasury is the administrator of the wrongful imprisonment compensation fund for auditing purposes.
- (5) The state treasurer shall expend money from the wrongful imprisonment compensation fund only for the purpose of paying claims authorized under this act and costs of administration. The state treasurer shall pay money from the fund in amounts and at the times as ordered by the courts under this act.
- (6) Money in the wrongful imprisonment compensation fund at the close of the fiscal year must remain in the fund and not lapse to the general fund.
- (7) If there is insufficient money in the wrongful imprisonment compensation fund to pay claims as ordered under this act, the state treasurer shall pay claims that are ordered but not paid if money becomes available in the fund, and pay those claims before subsequently ordered claims. The state treasurer shall develop and implement a process to notify the legislature that money in the fund may be insufficient to cover future claims when the state treasurer reasonably believes that within 60 days the money in the fund will be insufficient to pay claims. The process shall, at a minimum, do all of the following:
 - (a) Identify a specific date by which the money in the fund will become insufficient to pay claims.
 - (b) Outline a clear process indicating the order in which claims pending with the fund will be paid.
 - (c) Outline a clear process indicating the order in which claims that were pending with the fund when money became insufficient will be paid, if money subsequently becomes available.
- (8) The attorney general shall report quarterly to the house and senate appropriations committees, the house and senate fiscal agencies, and the state budget office all of the following as of the end of the quarter:
 - (a) All payments made from the wrongful imprisonment compensation fund in the quarter, indicating for each payment whether it is for a new settlement or award or continued payment for a previous settlement or award.
 - (b) Any settlements that have been reached or awards that have been made for which payments have not been made.
 - (c) The number of actions in which an order or judgment has been entered denying the claim, and the reasons for each denial.
 - (d) The number of known claims for compensation under this act for which there are no final settlements or awards, indicating for each claim, if known, the amount claimed and the potential payment.
 - (e) The balance in the wrongful imprisonment compensation fund.
- (9) Any compensation under this act must be paid from the wrongful imprisonment compensation fund and not from any state department's or agency's annual budget or current funding.

History: 2016, Act 343, Eff. Mar. 29, 2017 ;-- Am. 2019, Act 10, Imd. Eff. May 10, 2019

Compiler's Notes: Subsection (10) of Sec. 6, as amended by Act 10 of 2019, was vetoed by the governor on May 9, 2019. Subsection (10) of Sec. 6, as amended by Act 10 of 2019, reads as follows: "(10) There is appropriated to the wrongful imprisonment compensation fund for the fiscal year ending September 30, 2019, \$10,000,000.00 from the general fund of this state."