

WRONGFUL IMPRISONMENT COMPENSATION ACT (EXCERPT)
Act 343 of 2016

***** 691.1752.new THIS NEW SECTION IS EFFECTIVE MARCH 29, 2017 *****

691.1752.new Definitions.

Sec. 2. As used in this act:

(a) "Charges" means the criminal complaint filed against the plaintiff by a county prosecutor or the attorney general on behalf of the people of this state that resulted in the conviction and imprisonment of the plaintiff that are the subject of the claim for compensation under this act.

(b) "New evidence" means any evidence that was not presented in the proceedings leading to plaintiff's conviction, including new testimony, expert interpretation, the results of DNA testing, or other test results relating to evidence that was presented in the proceedings leading to plaintiff's conviction. New evidence does not include a recantation by a witness unless there is other evidence to support the recantation or unless the prosecuting attorney for the county in which the plaintiff was convicted or, if the department of attorney general prosecuted the case, the attorney general agrees that the recantation constitutes new evidence without other evidence to support the recantation.

(c) "Plaintiff" means the individual making a claim for compensation under this act. Plaintiff does not include the estate of an individual entitled to make a claim for compensation under this act, the personal representative of the estate, or any heir, devisee, beneficiary, or other person who is entitled under other law to pursue a claim for damages, injury, or death suffered by the individual.

(d) "State correctional facility" means a correctional facility maintained and operated by the department of corrections.

(e) "This state" means the state of Michigan and its political subdivisions, and the agencies, departments, commissions, and courts of this state and its political subdivisions.

History: 2016, Act 343, Eff. Mar. 29, 2017.