

WRONGFUL IMPRISONMENT COMPENSATION ACT (EXCERPT)
Act 343 of 2016

***** 691.1754.new THIS NEW SECTION IS EFFECTIVE MARCH 29, 2017 *****

691.1754.new Complaint; documentation; verification by plaintiff; service; notice to victim of assaultive crime or serious misdemeanor; discovery.

Sec. 4. (1) In an action under this act, the plaintiff shall attach to his or her verified complaint documentation that establishes all of the following:

(a) The plaintiff was convicted of 1 or more crimes under the law of this state, was sentenced to a term of imprisonment in a state correctional facility for the crime or crimes, and served at least part of the sentence.

(b) 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.

(c) New evidence demonstrates that the plaintiff was not the perpetrator of the crime or crimes and was not an accessory or accomplice to the acts that were the basis of the conviction and resulted in a reversal or vacation of the judgment of conviction, dismissal of the charges, finding of not guilty, or gubernatorial pardon.

(2) A complaint filed under this section must be verified by the plaintiff.

(3) A copy of a complaint filed under this section must be served on the attorney general and on the prosecuting attorney for the county in which the plaintiff was convicted. The attorney general and the prosecuting attorney may answer and contest the complaint.

(4) If the plaintiff's conviction was for an assaultive crime or a serious misdemeanor, the prosecuting attorney shall notify the victim of the assaultive crime or serious misdemeanor of the application in the same manner as is required for an application to have a conviction set aside under section 22a or 77a of the William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.772a and 780.827a. The prosecuting attorney shall give the victim notice under this subsection by first-class mail sent to the victim's last known address. The victim or victim's representative has the right to appear at any proceeding under this act concerning the complaint and to make a written or oral statement.

(5) The plaintiff, the attorney general, and the prosecuting attorney for the county in which the plaintiff was convicted may conduct discovery in an action under this act.

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