



To: House Committee on Criminal Justice (Rep. Hope, Chair)

Re: House Bill 5431 (Andrews)

March 5, 2024

Dear Rep. Hope and Committee Members,

We welcome this effort to fix Michigan’s Wrongful Incarceration Compensation Act (WICA). First enacted in 2016 to provide compensation to individuals who prove they were innocent of the crimes for which they had been incarcerated, problems with the structure and provisions of WICA – including its “new evidence of innocence” requirement – have led to repeated and extensive litigation, including before the Michigan Supreme Court, which called on the Legislature to reform WICA.

After Innocence is a nonprofit that since 2015 has provided free post-release assistance to hundreds of exonerees nationwide, including more than 40 exonerees in Michigan. In working directly with exonerees across the country, we have seen how wrongful conviction compensation statutes do – and do not – achieve the goal of fairly and efficiently identifying and compensating individuals who have been imprisoned for crimes they did not commit. We have worked with lawmakers in many states interested in improving their compensation laws, often by incorporating best practices from other jurisdictions.

We have met with Michigan exonerees and reviewed the current version of HB 5431. While it includes some very important reforms, several miss the mark. In particular, even with the proposed changes in this bill, the “new evidence of innocence” requirement will continue to bar deserving exonerees from compensation, and lead to needless litigation. Other problems with WICA are not yet addressed by HB 5431, including with regard to who is eligible to make a claim for compensation, what they must prove in order to be compensated, and the compensation they receive.

We have prepared a set of proposals for amendment in that regard – endorsed by the Michigan exonerees we have convened so far – and look forward to collaborating with the bill sponsors and other stakeholders on the details of this bill, to ensure that the revised WICA draws on best practices from around the country to ensure that deserving Michigan exonerees receive compensation for what they endured.

Thank you,

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