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BILL ANALYSIS

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Senate Bill 430 (Substitute S-1 as reported)

Sponsor: Senator Doug Carl

Committee: Judiciary

Date Completed: 11-4-87

RATIONALE

Under the Code of Criminal Procedure, for crimes other than murder, assault with intent to commit murder, conspiracy to commit murder, kidnapping, and extortion, an indictment (complaint) has to be filed within six years after the commission of the offense. Among the offenses covered by the six-year indictment limitation are child pornography; first, second, third, or fourth degree criminal sexual conduct; second or subsequent offenses of criminal sexual conduct; and assault with intent to commit criminal sexual conduct. In many cases, the young victims of such crimes are reluctant, for various reasons, to come forward with information concerning an alleged crime against them until years after they have been victimized, and by that time the six-year statute of limitations has run out, thereby making prosecution of the accused impossible. Some people feel that, to allow for more successful prosecution of sexual crimes against young people, a longer statute of limitations should be established for these crimes.

CONTENT

The bill would amend the Code of Criminal Procedure to extend the statute of limitations on the prosecution of criminal sexual conduct offenses in which the alleged victim was under 18 years of age at the time of the commission of the offense. Under the bill, an indictment for child pornography, first, second, third, or fourth degree criminal sexual conduct (CSC), a second or subsequent offense of first, second, or third degree CSC, or assault with intent to commit CSC, could be filed within six years after the commission of the offense or by the alleged victim's 21st birthday, whichever was later.

MCL 767.24

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

ARGUMENTS**Supporting Argument**

The bill would extend the statute of limitations for an alleged victim who was under 17 years old at the time of the criminal sexual conduct offense to six years beyond the date of the alleged offense, or the alleged victim's 21st birthday, whichever was later. This would address the problem in prosecuting sexual crimes committed against children. Often such offenses are committed within a family setting, and explicit or implicit threats are made to the victim to have the child remain silent. Sometimes the victim will remain silent until the perpetrator turns to a younger victim or the victim has gone through the process of maturation, at a time that is beyond the six-year statute of limitations. The bill would allow prosecution to go

forward in many instances where it cannot now, thus helping to protect the younger generation of potential victims, and giving the victim a day in court.

Opposing Argument

Under the bill's provision, if an offense were made against a child when he or she was 6 years old, an indictment could be filed up until the victim's 21st birthday. This is a long period of time in between the crime and the indictment for it. To extend the statute of limitations this far past six years would result in major credibility problems for the prosecution.

Response: The bill would not guarantee a successful prosecution of a child sexual assault case, since serious proof problems would exist. This is a problem under the current statute of limitations as well. An important result of the bill's provision, however, would be that more victims of child sexual assault were entitled to have their day in court.

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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.

S.B. 430 (11-4-87)