

Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bill 1174 (Substitute S-1 as reported)
Sponsor: Senator Shirley Johnson
Committee: Judiciary

CONTENT

The bill would amend the Code of Criminal Procedure to revise the statute of limitations for criminal sexual conduct (CSC) if evidence of the violation contained DNA that was determined to be from an unidentified individual. The bill specifies a legislative intent for that revision to apply retroactively. The bill also would delete a provision that establishes an extended period of limitations for involvement in or possession of child sexually abusive activity or material, if the victim is under 18 years old at the time of the offense.

Under the Code, except for certain specified offenses, all indictments must be filed within six years after the offense. If an alleged victim is under 18 at the time of an offense, however, an indictment may be filed within six years after the commission of the offense or by the alleged victim's 21st birthday, whichever is later, for involvement in or possession of child sexually abusive activity or material; first-, second-, third-, or fourth-degree CSC; or assault with intent to commit CSC. The bill would extend that six-year period to 10 years for the CSC offenses, and delete it for involvement in child sexually abusive activity or material.

The bill specifies that, for a CSC offense, if evidence of the violation were obtained and it contained DNA that was determined to be from an unidentified individual, an indictment against that individual for the violation could be filed at any time after the offense was committed. After that individual was identified, however, an indictment could be filed within 10 years. This provision would apply regardless of whether the DNA identification was made within the period otherwise allowed for filing an indictment for the offense.

The bill states that, for a first-, second-, third-, or fourth-degree CSC violation or for assault with intent to commit CSC, "the legislature intends the extension of the limitations period for prosecuting those violations created by this amendatory act to apply retroactively to those offenses".

MCL 767.24

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government.

There are no data available to indicate how many criminal sexual conduct crimes for which DNA evidence is obtained against an individual, are not prosecuted within the current statute of limitations for the offense. Assuming that two additional individuals a year would be convicted of first-degree CSC as a result of these changes and would serve a prison term of 25 years, the costs of incarceration to the State would increase \$1,100,000, given an average annual cost of \$22,000.

Date Completed: 12-4-00

Fiscal Analyst: K. Firestone