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Senate Bill 1174 (as introduced 3-22-00)
Sponsor: Senator Shirley Johnson
Committee: Judiciary

Date Completed: 11-29-00

CONTENT

The bill would amend the Code of Criminal Procedure to eliminate the statute of limitations for first-, second-, third-, and fourth-degree criminal sexual conduct (CSC) and assault with intent to commit CSC if evidence of the violation contained DNA that was identified as matching that of a specific 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 an indictment for murder, kidnapping, extortion, assault with intent to commit murder, or conspiracy to commit murder, all indictments must be found and filed within six years after the offense.

If an alleged victim is under 18 years old at the time of an offense, however, an indictment may be found and 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 (MCL 750.145c); first-, second-, third-, or fourth-degree CSC (MCL 750.520b, 750.520c, 750.520d, or 750.520e); or assault with intent to commit CSC (750.520g). The bill would retain that provision in regard to the CSC offenses.

In addition, the bill specifies that, for first-, second-, third-, or fourth-degree CSC or assault with intent to commit CSC, if evidence of the violation were obtained and that evidence contained DNA that was identified as matching that of a specific individual, an indictment against that individual for the violation could be found and filed at any time after the offense was committed. This provision would apply regardless of whether the DNA identification was made within the period otherwise allowed for finding and 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 to the statute and would serve a term of imprisonment of 25 years, the costs of incarceration to the State would increase \$1,100,000, given an average annual cost of \$22,000.

Fiscal Analyst: K. Firestone

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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.