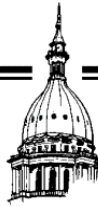




Senate Fiscal Agency
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BILL



ANALYSIS

Telephone: (517) 373-5383
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Senate Bill 726 (as enacted)
Sponsor: Senator Rick Jones
Senate Committee: Judiciary
House Committee: Judiciary

PUBLIC ACT 363 of 2012

Date Completed: 8-28-13

RATIONALE

Some people suggested that the statute of limitations for some serious crimes, such as kidnapping, attempted murder, and manslaughter, be lengthened under certain circumstances. This became an issue when a suspected perpetrator in a widely reported incident could not be prosecuted for manslaughter because the statute of limitations had run before his identity was known. The case involved the death of an individual, Brandon D'Annunzio, who was assaulted as he left an East Lansing bar in October 2001. When an assailant's punch knocked D'Annunzio to the ground, he hit his head on the curb and later died from that injury. East Lansing police investigated the case, but had no leads as to the identity of the assailant. A witness came forward and notified police of the perpetrator's identity after reading a newspaper article about the 10-year anniversary of the incident. Since the statute of limitations on the crime of manslaughter had expired, however, prosecutors were unable to bring charges against the man who allegedly assaulted D'Annunzio.

CONTENT

The bill amended the Code of Criminal Procedure to provide, for certain crimes, an alternative statute of limitations of 10 years after the individual alleged to have committed the crime is identified.

An indictment for kidnapping, extortion, assault with intent to commit murder, attempted murder, manslaughter, or first-degree home invasion generally may be found and filed within 10 years after the

offense is committed. Under the bill, if any of those offenses is reported to a police agency within one year after the offense is committed and the person who committed the offense is unknown, an indictment may be found and filed within 10 years after the person is identified. "Identified" means that the person's legal name is known.

The provision added by the bill is named "Brandon D'Annunzio's Law".

The bill took effect on March 28, 2013.

MCL 767.24

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

While charges for a few major crimes, such as murder and first-degree criminal sexual conduct, may be brought at any time, most crimes carry a six-year statute of limitations. Other violations, including manslaughter, have a 10-year statute of limitations. Because of the serious nature of the crimes, and the time it might take to investigate an incident and identify an unknown suspect, indictments for the offenses listed in the bill should be permitted for a period of time after the perpetrator is identified. The assault that caused the death of Brandon D'Annunzio in East Lansing in October 2001 illustrates the need for an alternative statute of limitations.

D'Annunzio was out celebrating with friends at an East Lansing nightspot, but left the bar alone. According to news reports, he was approached by two men and a woman, and one of the men punched D'Annunzio in the face. He fell backward and suffered a skull fracture when his head hit the ground. D'Annunzio never regained consciousness and died several days later. East Lansing police investigated the case and appealed to the public for information, but the perpetrator was not identified. On the 10th anniversary of the assault, the *State News*, the Michigan State University student newspaper, ran an article recalling the incident. The reporter's father posted the article at his workplace, and someone with knowledge of the attack came forward, identifying the assailant. East Lansing detectives forwarded the information to the Ingham County prosecuting attorney but, according to the prosecutor's testimony before the Senate Judiciary Committee, the circumstances of the case clearly identified it as manslaughter and the 10-year statute of limitations had expired.

By allowing for a statute of limitations of 10 years after a suspect is identified, for manslaughter and the other listed crimes, when the offense is reported to police within a year and the perpetrator is unknown, the bill will give police and prosecutors more time to investigate those offenses, bring charges against people responsible for them, and seek justice for their victims.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill will have an indeterminate fiscal impact on State and local government. To the extent that the bill increases the number of convictions related to kidnapping, attempted murder, manslaughter, extortion, assault with intent to commit murder, or first-degree home invasion, the State and local units of government will incur additional corrections costs. Local governments incur the costs of incarceration in local facilities, which vary by county. The State will incur the cost of felony probation at an annual average cost of \$2,500, as well as the cost of incarceration in a State facility at an average annual cost of \$34,000. Additional penal fine revenue will benefit public libraries.

The bill also will have an indeterminate fiscal impact on local courts and law enforcement agencies associated with the prosecution and investigation of cases that previously would have been beyond the statute of limitations.

Fiscal Analyst: Dan O'Connor

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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.