



**Senate Fiscal Agency**  
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BILL



ANALYSIS

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Senate Bill 871 (as reported without amendment)  
Sponsor: Senator Margaret E. O'Brien  
Committee: Judiciary

### **CONTENT**

The bill would amend the Code of Criminal Procedure to eliminate the statute of limitations for a violation or attempted violation of Section 520c (second-degree criminal sexual conduct, or CSC) of the Michigan Penal Code in which the victim was under 18 years of age.

In addition, the bill would allow an indictment for a violation of Section 520d of the Penal Code (third-degree CSC) in which the victim was under 18 to be found and filed as follows:

- Within 30 years after the offense was committed or by the alleged victim's 48<sup>th</sup> birthday, whichever was later.
- At any time after the offense was committed, if evidence of the offense were obtained and that evidence contained DNA that was determined to be from an unidentified individual.

In the case of DNA evidence from an unidentified individual, however, after the individual was identified, the statute of limitations would be 30 years after the individual was identified or by the alleged victim's 48<sup>th</sup> birthday, whichever was later.

Currently, an indictment for a violation or attempted violation of certain sections of the Penal Code, including Sections 520c and 520d, may be found and filed within 10 years after the offense is committed or by the victim's 21st birthday, whichever is later (except as provided for situations in which evidence containing DNA of an unidentified individual is obtained). Under the bill, these provisions would apply except as provided for second- or third-degree CSC involving a victim under 18.

MCL 767.24

Legislative Analyst: Jeff Mann

### **FISCAL IMPACT**

The bill could have a negative fiscal impact on the State and local government. Removing or extending the statute of limitations for the specified crimes could lead to more prosecutions for those crimes. More prosecutions and convictions could have a negative fiscal impact on the State and local government. An increase in felony arrests and convictions could increase demands on court systems, community supervision, jails, and correctional facilities. The average cost to State government for felony probation supervision is approximately \$3,024 per probationer per year. For any increase in prison intakes, in the short term, the marginal cost to State government is approximately \$3,764 per prisoner per year. Any associated increase in fine revenue increases funding to public libraries.

Date Completed: 3-2-18

Fiscal Analyst: John Maxwell