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BILL



ANALYSIS

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Senate Bill 871 (as introduced 2-27-18)
Sponsor: Senator Margaret E. O'Brien
Committee: Judiciary

Date Completed: 2-27-18

CONTENT

The bill would amend the Code of Criminal Procedure to eliminate the statute of limitations on second-degree criminal sexual conduct (CSC) involving a victim under 18 years old; and allow an indictment for third-degree CSC involving a victim under 18 to be filed within 30 years after the offense or by the victim's 48th birthday, or at any time after the offense was committed if DNA evidence from an unidentified individual were obtained.

The Code prescribes the time frame in which an indictment for a crime must be found and filed. This is commonly referred to as the statute of limitations. Some crimes, such as murder and first-degree criminal sexual conduct, are not subject to a statute of limitations, meaning that an indictment can be found and filed at any time.

The bill also would allow an indictment to be found and filed at any time for a violation or attempted violation of Section 520c (second-degree CSC) of the Michigan Penal Code in which the victim was under 18 years of age.

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

- Within 30 years after the offense was committed or by the alleged victim's 48th 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 48th birthday, whichever was later.

Currently, an indictment for various offenses, including second- and third-degree CSC, may be found and filed within 10 years after the offense is committed or by the victim's 21st birthday, whichever is later. If evidence of the offense is obtained, however, and the evidence contains DNA that is determined to be from an unidentified individual, an indictment against that individual for the offense may be filed at any time after the offense is committed. After the individual is identified, however, the statute of limitations is 10 years after the individual is identified or by the alleged victim's 21st birthday, whichever is later. Under the bill, these provisions would apply except as provided for second- or third-degree CSC involving a victim under 18.

The bill would take effect 90 days after enactment.

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.

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