



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL



ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bill 4690 (as passed by the House)
Sponsor: Representative Bronna Kahle
House Committee: Law and Justice
Senate Committee: Judiciary

Date Completed: 6-13-17

CONTENT

The bill would amend the Code of Criminal Procedure to allow an indictment for an offense involving female genital mutilation to be filed within 10 years after the offense was committed, or by the alleged victim's 21st birthday, whichever was later.

The bill is tie-barred to House Bills 4636 and 4637, and would take effect 90 days after its enactment. (House Bill 4636 would add Section 136 to the Michigan Penal Code to prohibit a person from knowingly performing a surgical operation to circumcise, incise, excise, or infibulate all or any part of the labia majora, labia minora, or clitoris of a person under 18 years of age. House Bill 4637 would add Section 136a to the Penal Code to prohibit a person from knowingly transporting a person from the State for the purpose of an operation that would be a violation of Section 136 if conducted in Michigan. An individual who violated either prohibition would be guilty of a felony punishable by up to 15 years' imprisonment.)

The Code of Criminal Procedure 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".) Generally, an indictment for a violation or attempted violation of Section 145c (various offenses related to the production and distribution of child sexually abusive material), 520c (criminal sexual conduct (CSC) in the second degree), 520d (CSC in the third degree), 520e (CSC in the fourth degree), or 520g (assault with the intent to commit CSC) of the Michigan Penal Code may be filed within 10 years after the offense is committed or the identity of a previously unidentified person is ascertained through DNA evidence, or by the alleged victim's 21st birthday, whichever is later.

The bill would require an indictment for a violation, or attempted violation, of Section 136 or 136a of the Penal Code to be filed within the time frame described above.

MCL 767.24

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill could have a negative fiscal impact on State and local government. The provisions of the bill would extend the time available to file an indictment for crimes related to female genital mutilation, which could lead to more arrests and convictions for those crimes. More felony arrests and convictions could increase resource demands on law enforcement, 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 would be approximately \$3,764 per prisoner per year.

Fiscal Analyst: Ryan Bergan

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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.