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BILL



ANALYSIS

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Senate Bill 52 (as introduced 1-18-17)
Sponsor: Senator Steven Bieda
Committee: Judiciary

Date Completed: 9-15-17

CONTENT

The bill would amend the Code of Criminal Procedure to eliminate the statute of limitations on certain crimes involving child sexually abusive material or activity, criminal sexual conduct in which the victim is under 18 years of age, or another violation of law involving the sexual abuse of a child under 18.

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 (CSC), 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 any of the following sections of the Michigan Penal Code in which the victim is under 18 years of age, or any other violation of law involving the sexual abuse of a child under 18 years of age:

- Section 145c, which prohibits involvement in child sexually abusive activity or the possession, distribution, or promotion of child sexually abusive material.
- Section 520c, which prohibits second-degree CSC.
- Section 520d, which prohibits third-degree CSC.
- Section 520e, which prohibits fourth-degree CSC.
- Section 520g, which prohibits assault with intent to commit CSC.

Currently, an indictment for a violation or attempted violation of each of those sections of the Penal Code 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 indictment may be filed within 10 years after the individual is identified or by the alleged victim's 21st birthday, whichever is later.

The bill would take effect 90 days after enactment.

MCL 767.24

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill could have a negative fiscal impact on the State and local government. Removing the statute of limitations for the specified crimes could lead to more prosecutions for those crimes.

More misdemeanor and felony prosecutions and convictions could increase resource demands on local court systems, community supervision, and jails and correctional facilities. 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. In the long term, if the increased intake of prisoners increased the total prisoner population enough to require the Department of Corrections to open a housing unit or an entire facility, the marginal cost to State government would be approximately \$34,550 per prisoner per year. Any associated increase in fine revenue would be dedicated to public libraries.

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.