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BILL



ANALYSIS

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Senate Bill 52 (Substitute S-2)
Sponsor: Senator Steven Bieda
Committee: Judiciary

Date Completed: 9-19-17

CONTENT

The bill would amend the Code of Criminal Procedure to do the following:

- **Eliminate the statute of limitations on second-degree criminal sexual conduct in which the victim is under 16 years of age.**
- **Increase the statute of limitations for third-degree criminal sexual conduct from 10 years after the offense is committed or the victim's 21st birthday, to 20 years after the offense was committed or the victim's 31st birthday.**

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 Section 520c of the Michigan Penal Code, which prohibits second-degree CSC, in which the victim was under 16 years of age.

Currently, an indictment for a violation or attempted violation of each of the following 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:

- Section 136 or 136a, which, effective October 9, 2017, will prohibit a person from knowingly performing a female genital mutilation operation or transporting a minor from the State for that purpose, respectively.
- Section 145c, which prohibits involvement in child sexually abusive activity or the possession, distribution, or promotion of child sexually abusive material.
- Section 520c, 520d, or 520e, which prohibit second-degree, third-degree, and fourth-degree CSC, respectively.
- Section 520g, which prohibits assault with intent to commit CSC.

If evidence of one of the listed offenses 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 it 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.

Under the bill, the above would apply except for an indictment for a violation or attempted violation of Section 520c in which the victim was under 16 years of age. Also, for a violation

of Section 520d, an indictment could be found and filed within 20 years after the offense was committed or by the alleged victim's 31st birthday, whichever was 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 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. Any associated increase in fine revenue would be dedicated to public libraries.

Fiscal Analyst: Ryan Bergan