



Report on Public Policy Position

Name of Committee:

Criminal Jurisprudence and Practice Committee

Contact Person:

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Bill Number:

SB 289 (Goschka) Criminal procedure; statute of limitations; statute of limitations for certain criminal sexual conduct offenses; eliminate. Amends sec. 24, ch. VII of 1927 PA 175 (MCL 767.24).

Date position was adopted:

5/12/05

Process used to take the ideological position:

Committee meeting

Number of members in the decision-making body:

20

Number who voted in favor and opposed to the position:

All 13 members who participated were unanimously opposed to parts of this bill as detailed below.

Position:

SB 289 SEc. 24 (1) adds to the list of crimes for which an indictment may be found and filed at any time a violation of the Michigan Anti-Terrorism Act. The committee has no opposition to this amendment to the legislation.

Sec 24. (2)(C) addresses charges for criminal sexual conduct and adds language eliminating the statute of limitations for filing if the violation or attempted violation is committed by an individual 18 years old against someone less than 18. The committee unanimously opposes this extension as it is inherently more difficult if not impossible to defend oneself against charges that are not brought within a reasonable time period. There is no reason why the current statutes of limitation that apply to those claiming to be victims of criminal sexual conduct are insufficient to appropriately balance the interests of fairness to victims and the accused.

The text (may be provided by hyperlink) of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report:

<http://www.legislature.mi.gov/mileg.asp?page=getObject&objName=2005-SB-0289>

RECOMMEND STATE BAR ACTION ON THIS ISSUE:
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Arguments for the position:

See above.

Arguments against the position (if any):

None

If the State Bar currently has a position on this subject matter, state the position, and an analysis of whether the recommended position and the current State Bar position are in conflict.

As of June 14, 2005, the State Bar of Michigan does not have a position on this matter.

Fiscal implications of the recommended policy to the State Bar of Michigan:

none

FOR LEGISLATIVE ISSUES ONLY:

This position falls within the following Keller-permissible category:

- The regulation and discipline of attorneys
- ✓ The improvement of the functioning of the courts
- ✓ The availability of legal services to society

The regulation of attorney trust accounts

The regulation of the legal profession, including the education, the ethics, the competency, and the integrity of the profession.

Keller- permissible explanation:

Criminal sexual conduct cases require adequate resources to investigate and competent counsel on both sides. The courts will have a difficult time dealing with the deluge of cases that would likely arise from extending the statute of limitations in these cases.