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BILL



ANALYSIS

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Senate Bill 726 (Substitute S-1 as reported)  
Sponsor: Senator Rick Jones  
Committee: Judiciary

*(as passed by the Senate)*

Date Completed: 1-17-12

### **RATIONALE**

Some people believe that the statute of limitations for some serious crimes, such as manslaughter, should be lengthened, so cases can be prosecuted after a longer period has elapsed. This recently became an issue when a suspected perpetrator could not be prosecuted for manslaughter because the statute of limitations had run. The case involved the death of an individual, Brandon D'Annunzio who was assaulted as he left an East Lansing bar in October 2011. When the assailant's punch knocked D'Annunzio to the ground, he hit his head on the curb and later died from that injury. East Lansing police investigated the case, but had no leads as to the identity of the assailant. A witness came forward and notified police of the perpetrator's identity after reading a newspaper article about the 10-year anniversary of the incident. Since the statute of limitations on the crime of manslaughter had expired, however, prosecutors were unable to bring charges against the man who allegedly assaulted D'Annunzio.

### **CONTENT**

**The bill would amend the Code of Criminal Procedure to extend the statute of limitations for kidnapping, attempted murder, or manslaughter from 10 years to 20 years.**

Currently, an indictment for kidnapping, extortion, assault with intent to commit murder, attempted murder, manslaughter, or first-degree home invasion may be found and filed within 10 years after the offense is committed.

The bill would remove kidnapping, attempted murder, and manslaughter from that provision. Under the bill, an indictment for any of those three offenses could be found and filed within 20 years after the offense was committed.

The provision added by the bill would be named "Brandon D'Annunzio's Law".

MCL 767.24

### **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

#### **Supporting Argument**

While charges for a few major crimes, such as murder and first-degree criminal sexual conduct, may be brought at any time, most crimes carry a six-year statute of limitations. Other violations, including manslaughter, have a 10-year statute of limitations. Because of the serious nature of the crime, and the time it might take to investigate an incident and identify a suspect, indictments for manslaughter, kidnapping, and attempted murder should be permitted for a longer period. The assault that caused the death of Brandon D'Annunzio in East Lansing in October 2001 illustrates the need for a longer statute of limitations.

D'Annunzio was out celebrating with friends at an East Lansing nightclub, but left the bar alone. According to news reports, he was approached by two men and a woman, and one of the men punched D'Annunzio in the

face. He fell backward and suffered a skull fracture when his head hit the ground. D'Annunzio never regained consciousness and died several days later. East Lansing police investigated the case and appealed to the public for information, but the perpetrator was not identified. On the 10<sup>th</sup> anniversary of the assault, the *State News*, the Michigan State University student newspaper, ran an article recalling the incident. The reporter's father posted the article at his workplace, and someone with knowledge of the attack came forward, identifying the assailant. East Lansing detectives forwarded the information to the Ingham County prosecuting attorney but, according to the prosecutor's testimony before the Senate Judiciary Committee, the circumstances of the case clearly identified it as manslaughter and the 10-year statute of limitations had expired.

By extending the statute of limitations for manslaughter, attempted murder, or kidnapping from 10 years to 20 years, the bill would give police and prosecutors more time to investigate those offenses, bring charges against people responsible for them, and seek justice for their victims.

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

The bill would have an indeterminate fiscal impact on State and local government. To the extent that the bill increased the number of convictions related to kidnapping, attempted murder, or manslaughter, the State and local units of government would incur additional correction costs. Local governments would incur the costs of incarceration in local facilities, which vary by county. The State would incur the cost of felony probation at an annual average cost of \$2,500, as well as the cost of incarceration in a State facility at an average annual cost of \$34,000. Additional penal fine revenue would benefit public libraries.

Fiscal Analyst: Dan O'Connor

#### **A1112\S726a**

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.