

EXTEND STATUTE OF LIMITATIONS FOR MISCONDUCT OR WILLFUL NEGLECT OF DUTY CHARGES AGAINST PUBLIC OFFICER

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House Bill 4834 as introduced
Sponsor: Rep. John D. Cherry
Committee: Judiciary
Complete to 1-13-20

SUMMARY:

House Bill 4834 would amend the Code of Criminal Procedure to extend the statute of limitations for bringing misconduct charges against a public officer from six years to ten years.

Specifically, under the bill, an indictment for a violation of section 478 of the Michigan Penal Code (concerning the willful neglect of duty by a public officer or a person holding public trust or employment), or any violation for misconduct by a *public officer* committed in connection with his or her official duties, could be found and filed within ten years after the offense was committed. (Currently, the standard six-year statute of limitations applies.)

Public officer would mean a person who is elected or appointed to or as any of the following:

- An office established by the state constitution.
- A public office of a Michigan city, village, township, or county.
- A department, board, agency, institution, commission, court, authority, division, council, college, university, school district, or other public entity of Michigan or a Michigan city, village, township, or county.
- An emergency manager appointed under the Local Financial Stability and Choice Act.

The bill would take effect 90 days after enactment.

MCL 767.24

FISCAL IMPACT:

House Bill 4834 would have an indeterminate fiscal impact on the state and on local units of government. Extending the time frame for finding and filing indictments for violations by public officials could result in an increase in misdemeanor convictions. New misdemeanor convictions would increase costs related to county jails and/or local misdemeanor probation supervision. Costs of local incarceration in county jails and local misdemeanor probation supervision, and how those costs are financed, vary by jurisdiction. The fiscal impact on local court systems would depend on how provisions of the bill

affected caseloads and related administrative costs. Increased costs could be offset, to some degree, depending on the amount of additional court-imposed fee revenue generated. Any increase in penal fine revenue would increase funding for local libraries, which are the constitutionally designated recipients of those revenues.

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