

SENATE BILL No. 355

March 22, 2001, Introduced by Senators VAN REGENMORTER and JOHNSON and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 24 of chapter VII (MCL 767.24), as amended by 1987 PA 255.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER VII

1

2 Sec. 24. (1) An indictment for ~~the crime of~~ murder may be
3 found AND FILED at any ~~period~~ TIME after the death of the
4 person alleged to have been murdered. ~~Indictments~~

5 (2) AN INDICTMENT for ~~the crimes of~~ kidnapping, extortion,
6 assault with intent to commit murder, ~~and~~ ATTEMPTED MURDER,
7 conspiracy to commit murder, OR FIRST-DEGREE HOME INVASION shall
8 be found and filed within 10 years after ~~the commission of~~ the
9 offense IS COMMITTED. ~~Except as otherwise provided in~~

10 ~~subsection (2), all~~ HOWEVER, IF EVIDENCE OF AN OFFENSE LISTED IN

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1 THIS SUBSECTION IS OBTAINED AND THAT EVIDENCE CONTAINS DNA THAT
2 IS DETERMINED TO BE FROM AN UNIDENTIFIED INDIVIDUAL, AN INDICT-
3 MENT AGAINST THAT INDIVIDUAL FOR THE VIOLATION MAY BE FOUND AND
4 FILED AT ANY TIME AFTER THE OFFENSE IS COMMITTED. HOWEVER, AFTER
5 THE INDIVIDUAL IS IDENTIFIED, THE INDICTMENT SHALL BE FOUND AND
6 FILED WITHIN 10 YEARS AFTER THE INDIVIDUAL IS IDENTIFIED. AS
7 USED IN THIS SUBSECTION:

8 (A) "DNA" MEANS HUMAN DEOXYRIBONUCLEIC ACID.

9 (B) "UNIDENTIFIED INDIVIDUAL" INCLUDES, BUT IS NOT LIMITED
10 TO, AN INDIVIDUAL WHO CAN ONLY BE IDENTIFIED BY HIS OR HER DNA
11 PROFILE.

12 (3) ALL other indictments shall be found and filed within 6
13 years after the ~~commission of the~~ offense IS COMMITTED.

14 ~~However, any~~

15 (4) ANY period during which the party charged did not usu-
16 ally and publicly reside within this state ~~shall~~ IS not ~~be~~
17 ~~considered~~ part of the time within which the respective indict-
18 ments shall be found and filed.

19 (5) ~~(2)~~ Notwithstanding subsection ~~(1)~~ (3), if an
20 alleged victim was under 18 years of age at the time of the com-
21 mission of the offense, an indictment for an offense under sec-
22 tion 145c or 520b, ~~to~~ 520C, 520D, 520E, OR 520g of the Michigan
23 penal code, ~~Act No. 328 of the Public Acts of 1931, being sec-~~
24 ~~tions 750.145c and 750.520b to 750.520g of the Michigan Compiled~~
25 ~~Laws~~ MCL 750.145C, 750.520B, 750.520C, 750.520D, 750.520E, AND
26 750.520G, may be found and filed within 6 years after the

1 commission of the offense or by the alleged victim's twenty-first
2 birthday, whichever is later.

3 Enacting section 1. The legislature intends that the exten-
4 sion or tolling, as applicable, of the limitations period pro-
5 vided in this amendatory act shall apply to any of those viola-
6 tions for which the limitations period has not expired at the
7 time this amendatory act takes effect.