

SENATE BILL No. 289

March 8, 2005, Introduced by Senators GOSCHKA, TOY, JACOBS, GARCIA and BIRKHOLZ 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
2004 PA 458.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER VII

Sec. 24. (1) An indictment for murder, or criminal sexual
conduct in the first degree, or a violation of **THE MICHIGAN ANTI-
TERRORISM ACT**, chapter LXXXIII-A of the Michigan penal code, 1931
PA 328, MCL 750.543a to 750.543z, or a violation of chapter XXXIII
of the Michigan penal code, 1931 PA 328, MCL 750.200 to 750.212a,
that is punishable by life imprisonment may be found and filed at
any time.

1 (2) An indictment for a violation or attempted violation of
2 section 145c, 520c, 520d, 520e, or 520g of the Michigan penal code,
3 1931 PA 328, MCL 750.145c, 750.520c, 750.520d, 750.520e, and
4 750.520g, may be found and filed as follows:

5 (a) Except as otherwise provided in ~~subdivision~~ **SUBDIVISIONS**
6 (b) **AND (C)**, an indictment may be found and filed within 10 years
7 after the offense is committed or by the alleged victim's twenty-
8 first birthday, whichever is later.

9 (b) If evidence of the violation is obtained and that evidence
10 contains DNA that is determined to be from an unidentified
11 individual, an indictment against that individual for the violation
12 may be found and filed at any time after the offense is committed.
13 However, **EXCEPT AS PROVIDED IN SUBDIVISION (C)**, after the
14 individual is identified, the indictment may be found and filed
15 within 10 years after the individual is identified or by the
16 alleged victim's twenty-first birthday, whichever is later. ~~-(e)~~
17 As used in this ~~subsection~~ **SUBDIVISION**:

18 (i) "DNA" means human deoxyribonucleic acid.

19 (ii) "Identified" means the individual's legal name is known
20 and he or she has been determined to be the source of the DNA.

21 **(C) IF THE VIOLATION OR ATTEMPTED VIOLATION IS COMMITTED BY AN**
22 **INDIVIDUAL 18 YEARS OF AGE OR OLDER AGAINST AN INDIVIDUAL LESS THAN**
23 **18 YEARS OF AGE, AN INDICTMENT MAY BE FOUND AND FILED AT ANY TIME.**

24 (3) An indictment for kidnapping, extortion, assault with
25 intent to commit murder, attempted murder, manslaughter, conspiracy
26 to commit murder, or first-degree home invasion may be found and
27 filed within 10 years after the offense is committed.

1 (4) An indictment for identity theft or attempted identity
2 theft may be found and filed as follows:

3 (a) Except as otherwise provided in subdivision (b), an
4 indictment may be found and filed within 6 years after the offense
5 is committed.

6 (b) If evidence of the violation is obtained and the
7 individual who committed the offense has not been identified, an
8 indictment may be found and filed at any time after the offense is
9 committed, but not more than 6 years after the individual is
10 identified.

11 (c) As used in this subsection:

12 (i) "Identified" means the individual's legal name is known.

13 (ii) "Identity theft" means 1 or more of the following:

14 (A) Conduct prohibited in section 5 or 7 of the identity theft
15 protection act, **2004 PA 452**, MCL 445.65 and 445.67.

16 (B) Conduct prohibited under former section 285 of the
17 Michigan penal code, 1931 PA 328.

18 (5) All other indictments may be found and filed within 6
19 years after the offense is committed.

20 (6) Any period during which the party charged did not usually
21 and publicly reside within this state is not part of the time
22 within which the respective indictments may be found and filed.

23 (7) The extension or tolling, as applicable, of the
24 limitations period provided in this section applies to any of those
25 violations for which the limitations period has not expired at the
26 time the extension or tolling takes effect.