

HOUSE BILL No. 5859

September 13, 2016, Introduced by Reps. Zemke, Brinks, Schor, LaGrand, Dianda, Chirkun, Faris, Geiss, Lucido, Pagan, Gay-Dagnogo, Banks, Driskell and Hughes and referred to the Committee on Criminal Justice.

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 2014 PA 324.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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CHAPTER VII

Sec. 24. (1) An indictment for any of the following crimes may be found and filed at any time:

(a) Murder, conspiracy to commit murder, or solicitation to commit murder, or criminal sexual conduct in the first degree.

(b) A violation of chapter XXXIII of the Michigan penal code, 1931 PA 328, MCL 750.200 to 750.212a, that is punishable by imprisonment for life.

(c) A violation of chapter LXVIIA of the Michigan penal code,

1 1931 PA 328, MCL 750.462a to 750.462h, that is punishable by
2 imprisonment for life.

3 **(D) AN INDICTMENT FOR A VIOLATION OR ATTEMPTED VIOLATION OF**
4 **SECTION 145C, 520C, 520D, 520E, OR 520G OF THE MICHIGAN PENAL CODE,**
5 **1931 PA 328, MCL 750.145C, 750.520C, 750.520D, 750.520E, AND**
6 **750.520G, OR ANY OTHER VIOLATION OF LAW INVOLVING THE SEXUAL ABUSE**
7 **OF A CHILD UNDER 18 YEARS OF AGE.**

8 **(E)** ~~(d)~~—A violation of the Michigan anti-terrorism act,
9 chapter LXXXIIII-A of the Michigan penal code, 1931 PA 328, MCL
10 750.543a to 750.543z, that is punishable by imprisonment for life.

11 (2) An indictment for a violation or attempted violation of
12 section 13, 462b, 462c, 462d, or 462e of the Michigan penal code,
13 1931 PA 328, MCL 750.13, 750.462b, 750.462c, 750.462d, and
14 750.462e, may be found and filed within 25 years after the offense
15 is committed. This subdivision shall be known as "Theresa Flores's
16 Law".

17 (3) An indictment for a violation or attempted violation of
18 section 145c, 520c, 520d, 520e, or 520g of the Michigan penal code,
19 1931 PA 328, MCL 750.145c, 750.520c, 750.520d, 750.520e, and
20 750.520g, **OTHER THAN A VIOLATION LISTED UNDER SUBSECTION (1) (D),**
21 may be found and filed as follows:

22 (a) Except as otherwise provided in subdivision (b), an
23 indictment may be found and filed within 10 years after the offense
24 is committed or by the alleged victim's twenty-first birthday,
25 whichever is later.

26 (b) If evidence of the offense is obtained and that evidence
27 contains DNA that is determined to be from an unidentified

1 individual, an indictment against that individual for the offense
2 may be found and filed at any time after the offense is committed.
3 However, after the individual is identified, the indictment may be
4 found and filed within 10 years after the individual is identified
5 or by the alleged victim's twenty-first birthday, whichever is
6 later.

7 (c) As used in this subsection:

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

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

11 (4) An indictment for kidnapping, extortion, assault with
12 intent to commit murder, attempted murder, manslaughter, or first-
13 degree home invasion may be found and filed as follows:

14 (a) Except as otherwise provided in subdivision (b), an
15 indictment may be found and filed within 10 years after the offense
16 is committed.

17 (b) If the offense is reported to a police agency within 1
18 year after the offense is committed and the individual who
19 committed the offense is unknown, an indictment for that offense
20 may be found and filed within 10 years after the individual is
21 identified. This subsection shall be known as Brandon D'Annunzio's
22 law. As used in this subsection, "identified" means the
23 individual's legal name is known.

24 (5) An indictment for identity theft or attempted identity
25 theft may be found and filed as follows:

26 (a) Except as otherwise provided in subdivision (b), an
27 indictment may be found and filed within 6 years after the offense

1 is committed.

2 (b) If evidence of the offense is obtained and the individual
3 who committed the offense has not been identified, an indictment
4 may be found and filed at any time after the offense is committed,
5 but not more than 6 years after the individual is identified.

6 (c) As used in this subsection:

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

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

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

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

13 (6) An indictment for false pretenses involving real property,
14 forgery or uttering and publishing of an instrument affecting an
15 interest in real property, or mortgage fraud may be found and filed
16 within 10 years after the offense was committed or within 10 years
17 after the instrument affecting real property was recorded,
18 whichever occurs later.

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

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

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

1 Enacting section 1. This amendatory act takes effect 90 days
2 after the date it is enacted into law.