

# HOUSE BILL No. 4133

January 31, 2017, Introduced by Reps. Hughes, Faris, Marino, Sabo, Geiss, Webber and Guerra and referred to the Committee on Law and 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 XXXVIII 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 LXVIIIA of the Michigan penal code, 1931 PA 328, MCL 750.462a to 750.462h, that is punishable by

1 imprisonment for life.

2 (d) A violation of the Michigan anti-terrorism act, chapter  
3 LXXXIII-A of the Michigan penal code, 1931 PA 328, MCL 750.543a to  
4 750.543z, that is punishable by imprisonment for life.

5 (2) An indictment for a violation or attempted violation of  
6 section 13, 462b, 462c, 462d, or 462e of the Michigan penal code,  
7 1931 PA 328, MCL 750.13, 750.462b, 750.462c, 750.462d, and  
8 750.462e, may be found and filed within 25 years after the offense  
9 is committed. This subdivision shall be known as "Theresa Flores's  
10 Law".

11 (3) An indictment for a violation or attempted violation of  
12 section 145c, 520c, 520d, 520e, or 520g of the Michigan penal code,  
13 1931 PA 328, MCL 750.145c, 750.520c, 750.520d, 750.520e, and  
14 750.520g, may be found and filed as follows:

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

19 (b) If evidence of the offense is obtained and that evidence  
20 contains DNA that is determined to be from an unidentified  
21 individual, an indictment against that individual for the offense  
22 may be found and filed at any time after the offense is committed.  
23 However, after the individual is identified, the indictment may be  
24 found and filed within 10 years after the individual is identified  
25 or by the alleged victim's twenty-first birthday, whichever is  
26 later.

27 (c) As used in this subsection:

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

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

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

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

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

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

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

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

26 (c) As used in this subsection:

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

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

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

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

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

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

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

17 **(9) AN INDICTMENT FOR A VIOLATION OF SECTION 520B OF THE**  
18 **MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520B, COMMITTED AGAINST**  
19 **AN INDIVIDUAL LESS THAN 18 YEARS OF AGE MAY BE FOUND AND FILED AT**  
20 **ANY TIME, REGARDLESS OF WHETHER THE EXTENSION OR TOLLING, AS**  
21 **APPLICABLE, OF THE LIMITATIONS PERIOD PROVIDED IN THIS SECTION HAS**  
22 **EXPIRED AT THE TIME THE EXTENSION OR TOLLING TOOK EFFECT.**

23 (10) ~~(9) The~~ **EXCEPT AS PROVIDED IN SUBSECTION (9), THE**  
24 extension or tolling, as applicable, of the limitations period  
25 provided in this section applies to any of those violations for  
26 which the limitations period has not expired at the time the  
27 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.