

**SUBSTITUTE FOR
HOUSE BILL NO. 5713**

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
2018 PA 182.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER VII

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

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

6 (b) A violation of chapter XXXVIII of the Michigan penal code,
7 1931 PA 328, MCL 750.200 to 750.212a, that is punishable by
8 imprisonment for life.

1 (c) A violation of chapter LXVIIIA of the Michigan penal code,
2 1931 PA 328, MCL 750.462a to 750.462h, that is punishable by
3 imprisonment for life.

4 (d) A violation of the Michigan anti-terrorism act, chapter
5 LXXXVIII-A of the Michigan penal code, 1931 PA 328, MCL 750.543a to
6 750.543z, that is punishable by imprisonment for life.

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

13 (3) Except as provided in subsection (4) for a violation of
14 section 520c or 520d of the Michigan penal code, 1931 PA 328, MCL
15 750.520c and 750.520d, in which the victim is under 18 years of
16 age, an indictment for a violation or attempted violation of
17 section 136, 136a, 145c, 520c, 520d, 520e, or 520g of the Michigan
18 penal code, 1931 PA 328, MCL 750.136, 750.136a, 750.145c, 750.520c,
19 750.520d, 750.520e, and 750.520g, may be found and filed as
20 follows:

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

25 (b) If evidence of the offense is obtained and that evidence
26 contains DNA that is determined to be from an unidentified
27 individual, an indictment against that individual for the offense
28 may be found and filed at any time after the offense is committed.
29 However, after the individual is identified, the indictment may be

1 found and filed within 10 years after the individual is identified
2 or by the alleged victim's twenty-first birthday, whichever is
3 later.

4 (4) An indictment for a violation of section 520c or 520d of
5 the Michigan penal code, 1931 PA 328, MCL 750.520c and 750.520d, in
6 which the victim is under 18 years of age may be found and filed as
7 follows:

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

12 (b) If evidence of the offense is obtained and that evidence
13 contains DNA that is determined to be from an unidentified
14 individual, an indictment against that individual for the offense
15 may be found and filed at any time after the offense is committed.
16 However, after the individual is identified, the indictment may be
17 found and filed within 15 years after the individual is identified
18 or by the alleged victim's twenty-eighth birthday, whichever is
19 later.

20 (5) **An indictment for a violation of section 219g of the**
21 **Michigan penal code, 1931 PA 328, MCL 750.219g, may be found and**
22 **filed as follows:**

23 (a) **Except as otherwise provided in subdivision (b), an**
24 **indictment may be found and filed within 15 years after the**
25 **offense.**

26 (b) **If evidence of the offense is obtained and that evidence**
27 **contains DNA that is determined to be from an unidentified**
28 **individual, an indictment against that individual for the offense**
29 **may be found and filed at any time after the offense is committed.**

1 **However, after the individual is identified, the indictment may be**
2 **found and filed within 15 years after the individual is identified.**

3 (6) ~~(5)~~—As used in subsections (3), ~~and~~(4), and (5):

4 (a) "DNA" means human deoxyribonucleic acid.

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

7 (7) ~~(6)~~—An indictment for kidnapping, extortion, assault with
8 intent to commit murder, attempted murder, manslaughter, armed
9 robbery, or first-degree home invasion may be found and filed as
10 follows:

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

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

21 (8) ~~(7)~~—An indictment for identity theft or attempted identity
22 theft may be found and filed as follows:

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

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

1 **(9)** ~~(8)~~—As used in subsection ~~(7)~~:**(8)** :

2 (a) "Identified" means the individual's legal name is known.

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

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

6 (ii) Conduct prohibited under former section 285 of the
7 Michigan penal code, 1931 PA 328.

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

14 **(11)** ~~(10)~~—All other indictments may be found and filed within
15 6 years after the offense is committed.

16 **(12)** ~~(11)~~—Any period during which the party charged did not
17 usually and publicly reside within this state is not part of the
18 time within which the respective indictments may be found and
19 filed.

20 **(13)** ~~(12)~~—The extension or tolling, as applicable, of the
21 limitations period provided in this section applies to any of those
22 violations for which the limitations period has not expired at the
23 time the extension or tolling takes effect.

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

26 Enacting section 2. This amendatory act does not take effect
27 unless House Bill No. 5716 of the 101st Legislature is enacted into
28 law.