

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 871

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 148.

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

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

12 (3) ~~An~~ **EXCEPT AS PROVIDED IN SUBSECTION (4) FOR A VIOLATION OF**
13 **SECTION 520C OR 520D OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL**
14 **750.520C AND 750.520D, IN WHICH THE VICTIM IS UNDER 18 YEARS OF**
15 **AGE, AN** indictment for a violation or attempted violation of
16 section 136, 136a, 145c, 520c, 520d, 520e, or 520g of the Michigan
17 penal code, 1931 PA 328, MCL 750.136, 750.136a, 750.145c, 750.520c,
18 750.520d, 750.520e, and 750.520g, may be found and filed as
19 follows:

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

24 (b) If evidence of the offense is obtained and that evidence
25 contains DNA that is determined to be from an unidentified
26 individual, an indictment against that individual for the offense
27 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 10 years after the individual is identified
3 or by the alleged victim's twenty-first birthday, whichever is
4 later.

5 (4) AN INDICTMENT FOR A VIOLATION OF SECTION 520C OR 520D OF
6 THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520C AND 750.520D, IN
7 WHICH THE VICTIM IS UNDER 18 YEARS OF AGE MAY BE FOUND AND FILED AS
8 FOLLOWS:

9 (A) EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION (B), AN
10 INDICTMENT MAY BE FOUND AND FILED WITHIN 15 YEARS AFTER THE OFFENSE
11 IS COMMITTED OR BY THE ALLEGED VICTIM'S TWENTY-EIGHTH BIRTHDAY,
12 WHICHEVER IS LATER.

13 (B) IF EVIDENCE OF THE OFFENSE IS OBTAINED AND THAT EVIDENCE
14 CONTAINS DNA THAT IS DETERMINED TO BE FROM AN UNIDENTIFIED
15 INDIVIDUAL, AN INDICTMENT AGAINST THAT INDIVIDUAL FOR THE OFFENSE
16 MAY BE FOUND AND FILED AT ANY TIME AFTER THE OFFENSE IS COMMITTED.
17 HOWEVER, AFTER THE INDIVIDUAL IS IDENTIFIED, THE INDICTMENT MAY BE
18 FOUND AND FILED WITHIN 15 YEARS AFTER THE INDIVIDUAL IS IDENTIFIED
19 OR BY THE ALLEGED VICTIM'S TWENTY-EIGHTH BIRTHDAY, WHICHEVER IS
20 LATER.

21 (5) ~~(4)~~—As used in subsection—SUBSECTIONS (3) AND (4):

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

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

25 (6) ~~(5)~~—An indictment for kidnapping, extortion, assault with
26 intent to commit murder, attempted murder, manslaughter, armed
27 robbery, or first-degree home invasion may be found and filed as

1 follows:

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

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

12 **(7)** ~~(6)~~—An indictment for identity theft or attempted identity
13 theft 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 6 years after the offense
16 is committed.

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

21 **(8)** ~~(7)~~—As used in subsection ~~(6)~~ **(7)**:

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

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

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

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

1 **(9)** ~~(8)~~—An indictment for false pretenses involving real
2 property, forgery or uttering and publishing of an instrument
3 affecting an interest in real property, or mortgage fraud may be
4 found and filed within 10 years after the offense was committed or
5 within 10 years after the instrument affecting real property was
6 recorded, whichever occurs later.

7 **(10)** ~~(9)~~—All other indictments may be found and filed within 6
8 years after the offense is committed.

9 **(11)** ~~(10)~~—Any period during which the party charged did not
10 usually and publicly reside within this state is not part of the
11 time within which the respective indictments may be found and
12 filed.

13 **(12)** ~~(11)~~—The extension or tolling, as applicable, of the
14 limitations period provided in this section applies to any of those
15 violations for which the limitations period has not expired at the
16 time the extension or tolling takes effect.

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