

SUBSTITUTE FOR
SENATE BILL NO. 1174

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
1987 PA 255.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER VII

Sec. 24. (1) An indictment for ~~the crime of~~ murder may be
found AND FILED at any ~~period~~ TIME after the death of the
person alleged to have been murdered. ~~Indictments~~

(2) AN INDICTMENT FOR A VIOLATION OR ATTEMPTED VIOLATION OF
SECTION 520B, 520C, 520D, 520E, OR 520G OF THE MICHIGAN PENAL
CODE, 1931 PA 328, MCL 750.520B, 750.520C, 750.520D, 750.520E,
AND 750.520G, MAY BE FOUND AND FILED AS FOLLOWS:

(A) EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION (B), IF THE
ALLEGED VICTIM WAS LESS THAN 18 YEARS OF AGE AT THE TIME OF THE

SB 1174, As Passed Senate, December 7, 2000

Senate Bill No. 1174

2

1 OFFENSE, AN INDICTMENT MAY BE FOUND AND FILED WITHIN 10 YEARS
2 AFTER THE COMMISSION OF THE OFFENSE OR BY THE ALLEGED VICTIM'S
3 TWENTY-FIRST BIRTHDAY, WHICHEVER IS LATER.

4 (B) IF EVIDENCE OF THE VIOLATION IS OBTAINED AND THAT EVI-
5 DENCE CONTAINS DNA THAT IS DETERMINED TO BE FROM AN UNIDENTIFIED
6 INDIVIDUAL, AN INDICTMENT AGAINST THAT INDIVIDUAL FOR THE VIOLA-
7 TION MAY BE FOUND AND FILED AT ANY TIME AFTER THE OFFENSE IS
8 COMMITTED. HOWEVER, AFTER THE INDIVIDUAL IS IDENTIFIED, THE
9 INDICTMENT SHALL BE FOUND AND FILED WITHIN THE PERIOD SET FORTH
10 IN SUBDIVISION (A). THIS SUBDIVISION APPLIES REGARDLESS OF
11 WHETHER THE DNA IDENTIFICATION WAS MADE WITHIN THE PERIOD SET
12 FORTH IN SUBDIVISION (A).

13 (3) AN INDICTMENT for ~~the crimes of~~ kidnapping, extortion,
14 assault with intent to commit murder, ~~and~~ ATTEMPTED MURDER, OR
15 conspiracy to commit murder shall be found and filed within 10
16 years after ~~the commission of~~ the offense IS COMMITTED.
17 ~~Except as otherwise provided in subsection (2), all~~

18 (4) ALL other indictments shall be found and filed within 6
19 years after the commission of the offense. ~~However, any~~

20 (5) ANY period during which the party charged did not usu-
21 ally and publicly reside within this state ~~shall~~ IS not ~~be~~
22 ~~considered~~ part of the time within which the respective indict-
23 ments shall be found and filed.

24 ~~(2) Notwithstanding subsection (1), if an alleged victim~~
25 ~~was under 18 years of age at the time of the commission of the~~
26 ~~offense, an indictment for an offense under section 145c or 520b~~
27 ~~to 520g of the Michigan penal code, Act No. 328 of the Public~~

SB 1174, As Passed Senate, December 7, 2000

Senate Bill No. 1174

3

~~1 Acts of 1931, being sections 750.145c and 750.520b to 750.520g of
2 the Michigan Compiled Laws, may be found and filed within 6 years
3 after the commission of the offense or by the alleged victim's
4 twenty-first birthday, whichever is later.~~

5 Enacting section 1. For a violation or attempted violation
6 of section 520b, 520c, 520d, 520e, or 520g of the Michigan penal
7 code, 1931 PA 328, MCL 750.520b, 750.520c, 750.520d, 750.520e,
8 and 750.520g, the legislature intends the extension of the limi-
9 tations period for prosecuting those violations created by this
10 amendatory act to apply retroactively to those offenses.