

HOUSE SUBSTITUTE FOR

SENATE BILL NO. 1

(As amended April 18, 2001)

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:

1 CHAPTER VII

2 Sec. 24. (1) An indictment for ~~the crime of~~ murder[, OR
CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE, OR A VIOLATION OF
CHAPTER XXXIII OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.200
TO 750.212A, THAT IS PUNISHABLE BY LIFE IMPRISONMENT] may be
3 found AND FILED at any ~~period~~ TIME [. ~~after the death of the~~
4 ~~person alleged to have been murdered.~~] ~~Indictments~~

5 (2) AN INDICTMENT FOR A VIOLATION OR ATTEMPTED VIOLATION OF
6 SECTION 145C, [] 520C, 520D, 520E, OR 520G OF THE MICHIGAN
7 PENAL CODE, 1931 PA 328, MCL 750.145C, [] 750.520C,
8 750.520D, 750.520E, AND 750.520G, MAY BE FOUND AND FILED AS
9 FOLLOWS:

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1 (A) EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION (B), AN
2 INDICTMENT MAY BE FOUND AND FILED WITHIN 10 YEARS AFTER THE THE
3 OFFENSE IS COMMITTED OR BY THE ALLEGED VICTIM'S TWENTY-FIRST
4 BIRTHDAY, WHICHEVER IS LATER.

5 (B) IF EVIDENCE OF THE VIOLATION IS OBTAINED AND THAT EVI-
6 DENCE CONTAINS DNA THAT IS DETERMINED TO BE FROM AN UNIDENTIFIED
7 INDIVIDUAL, AN INDICTMENT AGAINST THAT INDIVIDUAL FOR THE VIOLA-
8 TION MAY BE FOUND AND FILED AT ANY TIME AFTER THE OFFENSE IS
9 COMMITTED. HOWEVER, AFTER THE INDIVIDUAL IS IDENTIFIED, THE
10 INDICTMENT SHALL BE FOUND AND FILED WITHIN 10 YEARS AFTER THE
11 INDIVIDUAL IS IDENTIFIED OR BY THE ALLEGED VICTIM'S TWENTY-FIRST
12 BIRTHDAY, WHICHEVER IS LATER.

13 (C) AS USED IN THIS SUBSECTION:

14 (i) "DNA" MEANS HUMAN DEOXYRIBONUCLEIC ACID.

15 (ii) "IDENTIFIED" MEANS THE INDIVIDUAL'S LEGAL NAME IS KNOWN
16 AND HE OR SHE HAS BEEN DETERMINED TO BE THE SOURCE OF THE DNA.

17 (3) AN INDICTMENT for ~~the crimes of~~ kidnapping, extortion,
18 assault with intent to commit murder, ~~and~~ ATTEMPTED MURDER,
[MANSLAUGHTER,]
19 conspiracy to commit murder [, OR FIRST-DEGREE HOME INVASION] shall
be found and filed within 10

20 years after ~~the commission of~~ the offense IS COMMITTED.

21 ~~Except as otherwise provided in subsection (2), all~~

22 (4) ALL other indictments shall be found and filed within 6
23 years after the ~~commission of the~~ offense IS COMMITTED.

24 ~~However, any~~

25 (5) ANY period during which the party charged did not usu-
26 ally and publicly reside within this state ~~shall~~ IS not ~~be~~

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1 ~~considered~~ part of the time within which the respective
2 indictments shall be found and filed.

3 ~~(2) Notwithstanding subsection (1), if an alleged victim~~
4 ~~was under 18 years of age at the time of the commission of the~~
5 ~~offense, an indictment for an offense under section 145c or 520b~~
6 ~~to 520g of the Michigan penal code, Act No. 328 of the Public~~
7 ~~Acts of 1931, being sections 750.145c and 750.520b to 750.520g of~~
8 ~~the Michigan Compiled Laws, may be found and filed within 6 years~~
9 ~~after the commission of the offense or by the alleged victim's~~
10 ~~twenty-first birthday, whichever is later.~~

11 Enacting section 1. The legislature intends that the exten-
12 sion or tolling, as applicable, of the limitations period pro-
13 vided in this amendatory act shall apply to any of those viola-
14 tions for which the limitations period has not expired at the
15 time this amendatory act takes effect.