

HOUSE BILL No. 6172

September 9, 2004, Introduced by Rep. Milosch and referred to the Committee on Criminal 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 2002 PA 119.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER VII

Sec. 24. (1) An indictment for murder, or criminal sexual conduct in the first degree, or a violation of chapter LXXXIII-A of the Michigan penal code, 1931 PA 328, MCL 750.543a to 750.543z, 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 found and filed at any time.

(2) An indictment for a violation or attempted violation of section 145c, 520c, 520d, 520e, or 520g of the Michigan penal code, 1931 PA 328, MCL 750.145c, 750.520c, 750.520d, 750.520e,

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1 and 750.520g, may be found and filed as follows:

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

6 (b) If evidence of the violation is obtained and that
7 evidence contains DNA that is determined to be from an
8 unidentified individual, an indictment against that individual
9 for the violation may be found and filed at any time after the
10 offense is committed. However, after the individual is
11 identified, the indictment ~~shall~~ **may** be found and filed within
12 10 years after the individual is identified or by the alleged
13 victim's twenty-first birthday, whichever is later.

14 (c) As used in this subsection:

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

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

18 (3) An indictment for kidnapping, extortion, assault with
19 intent to commit murder, attempted murder, manslaughter,
20 conspiracy to commit murder, or first-degree home invasion
21 ~~shall~~ **may** be found and filed within 10 years after the offense
22 is committed.

23 (4) **An indictment for identity theft or attempted identity**
24 **theft may be found and filed as follows:**

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

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1 (b) If evidence of the violation is obtained and the
2 individual who committed the offense has not been identified, an
3 indictment may be found and filed at any time after the offense
4 is committed, but not more than 6 years after the individual is
5 identified.

6 (c) As used in this subsection:

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

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

9 (A) Conduct prohibited in [section 5 or 7] of the identity
10 theft protection act, MCL 445.64 and 445.65.

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

13 (5) ~~-(4)-~~ All other indictments ~~shall~~ **may** be found and
14 filed within 6 years after the offense is committed.

15 (6) ~~-(5)-~~ Any period during which the party charged did not
16 usually and publicly reside within this state is not part of the
17 time within which the respective indictments ~~shall~~ **may** be found
18 and filed.

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

23 Enacting section 1. This amendatory act takes effect March
24 1, 2005.