

HOUSE BILL No. 4447

March 25, 2003, Introduced by Reps. Plakas, Farrah, Paletko, Sak, O'Neil, Gaffney, Phillips, Condino, Minore, Vagnozzi, Accavitti, Hood, Hunter, Whitmer, Stallworth, Anderson, Murphy, Brown and Reeves 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,

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 be found and filed within 10
12 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 **other**
20 **than manslaughter arising out of the operation of a motor**
21 **vehicle**, conspiracy to commit murder, or first-degree home
22 invasion shall be found and filed within 10 years after the
23 offense is committed.

24 (4) **An indictment for manslaughter arising out of the**
25 **operation of a motor vehicle, or for negligent homicide, or for a**
26 **violation of section 625(4) of the Michigan vehicle code, 1949 PA**
27 **300, MCL 257.625, may be found and filed within 15 years after**

1 the victim's death.

2 (5) ~~—(4)—~~ All other indictments shall be found and filed
3 within 6 years after the offense is committed.

4 (6) ~~—(5)—~~ Any period during which the party charged did not
5 usually and publicly reside within this state is not part of the
6 time within which the respective indictments shall be found and
7 filed.