

HOUSE BILL No. 4528

March 22, 2005, Introduced by Reps. David Law, Gosselin, Condino, Meisner, Marleau, Newell, Stakoe, Hildenbrand, Taub, Elsenheimer, Garfield, Jones, Rocca, Baxter, Schuitmaker and Nofs and referred to the Committee on Judiciary.

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 2004 PA 458.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER VII

Sec. 24. (1) An indictment for murder, ~~or~~ **CONSPIRACY TO COMMIT MURDER**, criminal sexual conduct in the first degree, or a violation of **THE MICHIGAN ANTI-TERRORISM ACT**, 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.

1 (2) An indictment for a violation or attempted violation of
2 section 145c, 520c, 520d, 520e, or 520g of the Michigan penal code,
3 1931 PA 328, MCL 750.145c, 750.520c, 750.520d, 750.520e, and
4 750.520g, may be found and filed as follows:

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

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

17 (c) As used in this subsection:

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

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

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

25 (4) An indictment for identity theft or attempted identity
26 theft may be found and filed as follows:

27 (a) Except as otherwise provided in subdivision (b), an

1 indictment may be found and filed within 6 years after the offense
2 is committed.

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

8 (c) As used in this subsection:

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

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

11 (A) Conduct prohibited in section 5 or 7 of the identity theft
12 protection act, **2004 PA 452**, MCL 445.65 and 445.67.

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

15 (5) All other indictments may be found and filed within 6
16 years after the offense is committed.

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

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