

SENATE BILL No. 577

May 14, 2009, Introduced by Senators PATTERSON and BASHAM 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
2005 PA 35.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER VII

Sec. 24. (1) An indictment for murder, conspiracy to commit
murder, solicitation to commit murder, criminal sexual conduct in
the first degree, or a violation of the Michigan anti-terrorism
act, chapter LXXXIIII-A of the Michigan penal code, 1931 PA 328, MCL
750.543a to 750.543z, or a violation of chapter XXXIIII 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, and 750.520g, may be found and filed as follows:~~

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

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

~~—— (c) As used in this subsection:~~

~~—— (i) "DNA" means human deoxyribonucleic acid.~~

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

~~(2) (3)~~ An indictment for kidnapping, extortion, assault with intent to commit murder, attempted murder, manslaughter, or first-degree home invasion may be found and filed within 10 years after the offense is committed.

~~(3) (4)~~ An indictment for identity theft or attempted identity theft may be found and filed as follows:

(a) Except as otherwise provided in subdivision (b), an indictment may be found and filed within ~~6~~10 years after the

1 offense is committed.

2 (b) If evidence of the violation is obtained and the
3 individual who committed the offense has not been identified, an
4 indictment may be found and filed at any time after the offense is
5 committed, but not more than ~~6~~10 years after the individual is
6 identified.

7 (c) As used in this subsection:

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

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

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

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

14 (4) ~~(5)~~ All other indictments may be found and filed within ~~6~~
15 10 years after the offense is committed.

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

20 (6) ~~(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.