

HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 726

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  
2011 PA 203.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER VII

2 Sec. 24. (1) An indictment for murder, conspiracy to commit  
3 murder, solicitation to commit murder, criminal sexual conduct in  
4 the first degree, or a violation of the Michigan anti-terrorism  
5 act, chapter LXXXIII-A of the Michigan penal code, 1931 PA 328, MCL  
6 750.543a to 750.543z, or a violation of chapter XXXIII of the  
7 Michigan penal code, 1931 PA 328, MCL 750.200 to 750.212a, that is  
8 punishable by life imprisonment may be found and filed at any time.

9 (2) An indictment for a violation or attempted violation of

1 section 145c, 520c, 520d, 520e, or 520g of the Michigan penal code,  
2 1931 PA 328, MCL 750.145c, 750.520c, 750.520d, 750.520e, and  
3 750.520g, may be found and filed as follows:

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

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

16 (c) As used in this subsection:

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

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

20 (3) An indictment for kidnapping, extortion, assault with  
21 intent to commit murder, attempted murder, manslaughter, or first-  
22 degree home invasion may be found and filed **AS FOLLOWS:**

23 **(A) EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION (B), AN**  
24 **INDICTMENT MAY BE FOUND AND FILED** within 10 years after the offense  
25 is committed.

26 **(B) IF THE OFFENSE IS REPORTED TO A POLICE AGENCY WITHIN 1**  
27 **YEAR AFTER THE OFFENSE IS COMMITTED AND THE INDIVIDUAL WHO**

1 COMMITTED THE OFFENSE IS UNKNOWN, AN INDICTMENT FOR THAT OFFENSE  
2 MAY BE FOUND AND FILED WITHIN 10 YEARS AFTER THE INDIVIDUAL IS  
3 IDENTIFIED. THIS SUBSECTION SHALL BE KNOWN AND MAY BE CITED AS  
4 BRANDON D'ANNUNZIO'S LAW. AS USED IN THIS SUBSECTION, "IDENTIFIED"  
5 MEANS THE INDIVIDUAL'S LEGAL NAME IS KNOWN.

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

8 (a) Except as otherwise provided in subdivision (b), an  
9 indictment may be found and filed within 6 years after the offense  
10 is committed.

11 (b) If evidence of the ~~violation~~**OFFENSE** is obtained and the  
12 individual who committed the offense has not been identified, an  
13 indictment may be found and filed at any time after the offense is  
14 committed, but not more than 6 years after the individual is  
15 identified.

16 (c) As used in this subsection:

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

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

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

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

23 (5) An indictment for false pretenses involving real property,  
24 forgery or uttering and publishing of an instrument affecting an  
25 interest in real property, or mortgage fraud may be found and filed  
26 within 10 years after the offense was committed or within 10 years  
27 after the instrument affecting real property was recorded,

1   whichever occurs later.

2           (6) All other indictments may be found and filed within 6  
3   years after the offense is committed.

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

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