

SENATE BILL No. 251

March 9, 2011, Introduced by Senators NOFS, RICHARDVILLE, MARLEAU, BOOHER, PAPPAGEORGE, HUNTER, HANSEN, ROCCA and GLEASON and referred to the Committee on Banking and Financial Institutions.

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.

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, or first-
23 degree home invasion may be found and filed within 10 years after
24 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) AN INDICTMENT FOR FALSE PRETENSES INVOLVING REAL PROPERTY,**
16 **FORGERY OR UTTERING AND PUBLISHING OF AN INSTRUMENT AFFECTING AN**
17 **INTEREST IN REAL PROPERTY, OR MORTGAGE FRAUD MAY BE FOUND AND FILED**
18 **WITHIN 10 YEARS AFTER THE OFFENSE WAS COMMITTED OR WITHIN 10 YEARS**
19 **AFTER THE INSTRUMENT AFFECTING REAL PROPERTY WAS RECORDED,**
20 **WHICHEVER OCCURS LATER.**

21 **(6) ~~(5)~~—All other indictments may be found and filed within 6**
22 **years after the offense is committed.**

23 **(7) ~~(6)~~—Any period during which the party charged did not**
24 **usually and publicly reside within this state is not part of the**
25 **time within which the respective indictments may be found and**
26 **filed.**

27 **(8) ~~(7)~~—The extension or tolling, as applicable, of the**

1 limitations period provided in this section applies to any of those
2 violations for which the limitations period has not expired at the
3 time the extension or tolling takes effect.