

SENATE BILL No. 584

October 3, 2013, Introduced by Senators EMMONS, BIEDA, HANSEN, ANDERSON, GREGORY, WARREN, JANSEN, PROOS, ROBERTSON, NOFS, JONES, PAPPAGEORGE, SCHUITMAKER, HOPGOOD, ANANICH, CASPERSON, MOOLENAAR, BRANDENBURG, MARLEAU, ROCCA, MEEKHOF, CASWELL, BOOHER, COLBECK, YOUNG, HILDENBRAND, RICHARDVILLE and KAHN and referred to the Committee on Families, Seniors and Human Services.

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
2012 PA 363.

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 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~~ ANY OF THE FOLLOWING CRIMES may be found and filed at any time: -

(A) MURDER, CONSPIRACY TO COMMIT MURDER, OR SOLICITATION TO COMMIT MURDER, OR CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE.

(B) A VIOLATION OF SECTION 13, 462G, 462H, OR 462J OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.13, 750.462G, 750.462H, AND 750.462J. THIS SUBDIVISION SHALL BE KNOWN AS THERESA FLORES'S LAW.

(C) A VIOLATION OF CHAPTER XXXIII OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.200 TO 750.212A, THAT IS PUNISHABLE BY IMPRISONMENT FOR LIFE.

(D) 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, THAT IS PUNISHABLE BY IMPRISONMENT FOR LIFE.

(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 offense is obtained and that evidence contains DNA that is determined to be from an unidentified individual, an indictment against that individual for the offense may be found and filed at any time after the offense is committed. However, after the individual is identified, the indictment may be

1 found and filed within 10 years after the individual is identified
2 or by the alleged victim's twenty-first birthday, whichever is
3 later.

4 (c) As used in this subsection:

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

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

8 (3) An indictment for kidnapping, extortion, assault with
9 intent to commit murder, attempted murder, manslaughter, or first-
10 degree home invasion may be found and filed as follows:

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

14 (b) If the offense is reported to a police agency within 1
15 year after the offense is committed and the individual who
16 committed the offense is unknown, an indictment for that offense
17 may be found and filed within 10 years after the individual is
18 identified. This subsection shall be known ~~and may be cited as~~
19 Brandon D'Annunzio's law. As used in this subsection, "identified"
20 means the individual's legal name is known.

21 (4) An indictment for identity theft or attempted identity
22 theft 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 6 years after the offense
25 is committed.

26 (b) If evidence of the offense is obtained and the individual
27 who committed the offense has not been identified, an indictment

1 may be found and filed at any time after the offense is committed,
2 but not more than 6 years after the individual is identified.

3 (c) As used in this subsection:

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

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

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

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

10 (5) An indictment for false pretenses involving real property,
11 forgery or uttering and publishing of an instrument affecting an
12 interest in real property, or mortgage fraud may be found and filed
13 within 10 years after the offense was committed or within 10 years
14 after the instrument affecting real property was recorded,
15 whichever occurs later.

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

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

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