

HOUSE BILL No. 5010

September 26, 2017, Introduced by Reps. Farrington, Kesto, Lucido, Lilly, Alexander, Runestad, Marino, Glenn, Hornberger, Hauck, Brann, Crawford, Hughes and Kahle and referred to the Committee on Law and Justice.

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
2017 PA 79.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER VII

Sec. 24. (1) An indictment for 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 chapter XXXIII of the Michigan penal code,
1931 PA 328, MCL 750.200 to 750.212a, that is punishable by
imprisonment for life.

(c) A violation of chapter LXVIIA of the Michigan penal code,
1931 PA 328, MCL 750.462a to 750.462h, that is punishable by

1 imprisonment for life.

2 (d) A violation of the Michigan anti-terrorism act, chapter
3 LXXXIII-A of the Michigan penal code, 1931 PA 328, MCL 750.543a to
4 750.543z, that is punishable by imprisonment for life.

5 (2) An indictment for a violation or attempted violation of
6 section 13, 462b, 462c, 462d, or 462e of the Michigan penal code,
7 1931 PA 328, MCL 750.13, 750.462b, 750.462c, 750.462d, and
8 750.462e, may be found and filed within 25 years after the offense
9 is committed. This subsection shall be known as "Theresa Flores's
10 Law".

11 (3) An indictment for a violation or attempted violation of
12 section 136, 136a, 145c, 520c, 520d, 520e, or 520g of the Michigan
13 penal code, 1931 PA 328, MCL 750.136, 750.136a, 750.145c, 750.520c,
14 750.520d, 750.520e, and 750.520g, may be found and filed as
15 follows:

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

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

1 (4) As used in subsection (3):

2 (a) "DNA" means human deoxyribonucleic acid.

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

5 (5) An indictment for kidnapping, extortion, assault with
6 intent to commit murder, attempted murder, manslaughter, **ARMED**
7 **ROBBERY**, or first-degree home invasion may be found and filed as
8 follows:

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

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

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

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

24 (b) If evidence of the offense is obtained and the individual
25 who committed the offense has not been identified, an indictment
26 may be found and filed at any time after the offense is committed,
27 but not more than 6 years after the individual is identified.

(7) As used in subsection (6):

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

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

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

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

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

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

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

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

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.