

HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 871

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  
2018 PA 148.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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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,

1 1931 PA 328, MCL 750.462a to 750.462h, that is punishable by  
2 imprisonment for life.

3 (d) A violation of the Michigan anti-terrorism act, chapter  
4 LXXXIII-A of the Michigan penal code, 1931 PA 328, MCL 750.543a to  
5 750.543z, that is punishable by imprisonment for life.

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

12 (3) ~~An~~ **EXCEPT AS PROVIDED IN SUBSECTION (4) FOR A VIOLATION OF**  
13 **SECTION 520C OR 520D OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL**  
14 **750.520C AND 750.520D, IN WHICH THE VICTIM IS UNDER 18 YEARS OF**  
15 **AGE, AN** indictment for a violation or attempted violation of  
16 section 136, 136a, 145c, 520c, 520d, 520e, or 520g of the Michigan  
17 penal code, 1931 PA 328, MCL 750.136, 750.136a, 750.145c, 750.520c,  
18 750.520d, 750.520e, and 750.520g, may be found and filed as  
19 follows:

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

24 (b) If evidence of the offense is obtained and that evidence  
25 contains DNA that is determined to be from an unidentified  
26 individual, an indictment against that individual for the offense  
27 may be found and filed at any time after the offense is committed.

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

5 (4) AN INDICTMENT FOR A VIOLATION OF SECTION 520C OR 520D OF  
6 THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520C AND 750.520D, IN  
7 WHICH THE VICTIM IS UNDER 18 YEARS OF AGE 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 15 YEARS AFTER THE OFFENSE  
11 IS COMMITTED OR BY THE ALLEGED VICTIM'S TWENTY-EIGHTH BIRTHDAY,  
12 WHICHEVER IS LATER.

13 (B) IF EVIDENCE OF THE OFFENSE IS OBTAINED AND THAT EVIDENCE  
14 CONTAINS DNA THAT IS DETERMINED TO BE FROM AN UNIDENTIFIED  
15 INDIVIDUAL, AN INDICTMENT AGAINST THAT INDIVIDUAL FOR THE OFFENSE  
16 MAY BE FOUND AND FILED AT ANY TIME AFTER THE OFFENSE IS COMMITTED.  
17 HOWEVER, AFTER THE INDIVIDUAL IS IDENTIFIED, THE INDICTMENT MAY BE  
18 FOUND AND FILED WITHIN 15 YEARS AFTER THE INDIVIDUAL IS IDENTIFIED  
19 OR BY THE ALLEGED VICTIM'S TWENTY-EIGHTH BIRTHDAY, WHICHEVER IS  
20 LATER.

21 (5) ~~(4)~~—As used in subsection—SUBSECTIONS (3) AND (4):

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

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

25 (6) ~~(5)~~—An indictment for kidnapping, extortion, assault with  
26 intent to commit murder, attempted murder, manslaughter, armed  
27 robbery, or first-degree home invasion may be found and filed as

1 follows:

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

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

12 **(7)** ~~(6)~~—An indictment for identity theft or attempted identity  
13 theft may be found and filed as follows:

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

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

21 **(8)** ~~(7)~~—As used in subsection ~~(6)~~ **(7)**:

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

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

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

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

1           **(9)** ~~(8)~~—An indictment for false pretenses involving real  
2 property, forgery or uttering and publishing of an instrument  
3 affecting an interest in real property, or mortgage fraud may be  
4 found and filed within 10 years after the offense was committed or  
5 within 10 years after the instrument affecting real property was  
6 recorded, whichever occurs later.

7           **(10)** ~~(9)~~—All other indictments may be found and filed within 6  
8 years after the offense is committed.

9           **(11)** ~~(10)~~—Any period during which the party charged did not  
10 usually and publicly reside within this state is not part of the  
11 time within which the respective indictments may be found and  
12 filed.

13           **(12)** ~~(11)~~—The extension or tolling, as applicable, of the  
14 limitations period provided in this section applies to any of those  
15 violations for which the limitations period has not expired at the  
16 time the extension or tolling takes effect.

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