

# SENATE BILL No. 871

February 27, 2018, Introduced by Senators O'BRIEN, JONES, HORN, KNOLLENBERG, KNEZEK, HERTEL, BIEDA, ROCCA, EMMONS, CONYERS, ANANICH, HOPGOOD, BRANDENBURG, STAMAS, MARLEAU, COLBECK, ZORN, KOWALL and SHIRKEY and referred to the Committee on Judiciary.

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.

1 (c) A violation of chapter LXVIIA of the Michigan penal code,  
2 1931 PA 328, MCL 750.462a to 750.462h, that is punishable by  
3 imprisonment for life.

4 (D) A VIOLATION OR ATTEMPTED VIOLATION OF SECTION 520C OF THE  
5 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520C, IN WHICH THE VICTIM  
6 IS UNDER 18 YEARS OF AGE.

7 (E) ~~(d)~~ A violation of the Michigan anti-terrorism act,  
8 chapter LXXXIII-A of the Michigan penal code, 1931 PA 328, MCL  
9 750.543a to 750.543z, that is punishable by imprisonment for life.

10 (2) An indictment for a violation or attempted violation of  
11 section 13, 462b, 462c, 462d, or 462e of the Michigan penal code,  
12 1931 PA 328, MCL 750.13, 750.462b, 750.462c, 750.462d, and  
13 750.462e, may be found and filed within 25 years after the offense  
14 is committed. This subsection shall be known as "Theresa Flores's  
15 Law".

16 (3) ~~An~~ EXCEPT AS PROVIDED FOR A VIOLATION OF SECTION 520C OF  
17 THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520C, DESCRIBED IN  
18 SUBSECTION (1) (D) OR A VIOLATION OF SECTION 520D OF THE MICHIGAN  
19 PENAL CODE, 1931 PA 328, MCL 750.520D, DESCRIBED IN SUBSECTION (4),  
20 AN indictment for a violation or attempted violation of section  
21 136, 136a, 145c, 520c, 520d, 520e, or 520g of the Michigan penal  
22 code, 1931 PA 328, MCL 750.136, 750.136a, 750.145c, 750.520c,  
23 750.520d, 750.520e, and 750.520g, may be found and filed as  
24 follows:

25 (a) Except as otherwise provided in subdivision (b), an  
26 indictment may be found and filed within 10 years after the offense  
27 is committed or by the alleged victim's twenty-first birthday,

1   whichever is later.

2           (b) If evidence of the offense is obtained and that evidence  
3   contains DNA that is determined to be from an unidentified  
4   individual, an indictment against that individual for the offense  
5   may be found and filed at any time after the offense is committed.  
6   However, after the individual is identified, the indictment may be  
7   found and filed within 10 years after the individual is identified  
8   or by the alleged victim's twenty-first birthday, whichever is  
9   later.

10           (4) AN INDICTMENT FOR A VIOLATION OF SECTION 520D OF THE  
11   MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520D, IN WHICH THE VICTIM  
12   IS UNDER 18 YEARS OF AGE MAY BE FOUND AND FILED AS FOLLOWS:

13           (A) AN INDICTMENT MAY BE FOUND AND FILED WITHIN 30 YEARS AFTER  
14   THE OFFENSE IS COMMITTED OR BY THE ALLEGED VICTIM'S FORTY-EIGHTH  
15   BIRTHDAY, WHICHEVER IS LATER.

16           (B) IF EVIDENCE OF THE OFFENSE IS OBTAINED AND THAT EVIDENCE  
17   CONTAINS DNA THAT IS DETERMINED TO BE FROM AN UNIDENTIFIED  
18   INDIVIDUAL, AN INDICTMENT AGAINST THAT INDIVIDUAL FOR THE OFFENSE  
19   MAY BE FOUND AND FILED AT ANY TIME AFTER THE OFFENSE IS COMMITTED.  
20   HOWEVER, AFTER THE INDIVIDUAL IS IDENTIFIED, THE INDICTMENT MAY BE  
21   FOUND AND FILED WITHIN 30 YEARS AFTER THE INDIVIDUAL IS IDENTIFIED  
22   OR BY THE ALLEGED VICTIM'S FORTY-EIGHTH BIRTHDAY, WHICHEVER IS  
23   LATER.

24           (5) ~~(4)~~—As used in ~~subsection~~ SUBSECTIONS (3) AND (4):

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

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

1           (6) ~~(5)~~—An indictment for kidnapping, extortion, assault with  
2 intent to commit murder, attempted murder, manslaughter, or first-  
3 degree home invasion 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.

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

14           (7) ~~(6)~~—An indictment for identity theft or attempted identity  
15 theft may be found and filed as follows:

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

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

23           (8) ~~(7)~~—As used in subsection ~~(6)~~ **(7)**:

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

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

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

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

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

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

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

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

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