

HOUSE BILL No. 5462

January 30, 2018, Introduced by Reps. Hertel, Sabo, Lasinski, Marino, Gay-Dagnogo, Brinks, Wittenberg, Dianda, Elder, Geiss, Pagan, Yanez, Hoadley, Green, Cambensy, Camilleri, Durhal, Sowerby, Sneller, Ellison, Clemente, Rabhi and Greimel 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, **SECOND, OR THIRD** degree, **OR ASSAULT WITH INTENT TO COMMIT CRIMINAL SEXUAL CONDUCT.**

(b) A violation of chapter XXXIII of the Michigan penal code,

1 1931 PA 328, MCL 750.200 to 750.212a, that is punishable by
2 imprisonment for life.

3 (c) A violation of chapter LXVIIA of the Michigan penal code,
4 1931 PA 328, MCL 750.462a to 750.462h, that is punishable by
5 imprisonment for life.

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

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

15 (3) An indictment for a violation or attempted violation of
16 section 136, 136a, 145c, ~~520e, 520d, OR 520e, or 520g~~ of the
17 Michigan penal code, 1931 PA 328, MCL 750.136, 750.136a, 750.145c,
18 ~~750.520e, 750.520d, AND 750.520e, and 750.520g,~~ may be found and
19 filed as 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) As used in subsection (3):

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

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

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

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

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

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

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

27 (b) If evidence of the offense is obtained and the individual

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

4 (7) As used in subsection (6):

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

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

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

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

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

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

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

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

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