

HOUSE BILL NO. 5713

February 02, 2022, Introduced by Reps. Whitsett, Cambensy, Hope, Breen, Kahle, Roth, Allor, Outman, Sneller, Yaroch, Brenda Carter, Brixie, Liberati, Cynthia Johnson, Steckloff, Steenland, Weiss, Peterson, Rogers, Brabec, Clemente and Bezotte and referred to the Committee on Health Policy.

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 182.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER VII

2 Sec. 24. (1) An indictment for any of the following crimes may
3 be found and filed at any time:

4 (a) Murder, conspiracy to commit murder, or solicitation to

1 commit murder, or criminal sexual conduct in the first degree.

2 (b) A violation of chapter XXXVIII of the Michigan penal code,
3 1931 PA 328, MCL 750.200 to 750.212a, that is punishable by
4 imprisonment for life.

5 (c) A violation of chapter LXVIIIA of the Michigan penal code,
6 1931 PA 328, MCL 750.462a to 750.462h, that is punishable by
7 imprisonment for life.

8 (d) A violation of the Michigan anti-terrorism act, chapter
9 LXXXVIII-A of the Michigan penal code, 1931 PA 328, MCL 750.543a to
10 750.543z, that is punishable by imprisonment for life.

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

17 (3) Except as provided in subsection (4) for a violation of
18 section 520c or ~~520d~~**520d(1)** of the Michigan penal code, 1931 PA
19 328, MCL 750.520c and 750.520d, in which the victim is under 18
20 years of age, an indictment for a violation or attempted violation
21 of section 136, 136a, 145c, 520c, ~~520d~~**520d(1)**, 520e, or 520g of
22 the Michigan penal code, 1931 PA 328, MCL 750.136, 750.136a,
23 750.145c, 750.520c, 750.520d, 750.520e, and 750.520g, may be found
24 and filed as 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,
28 whichever is later.

29 (b) If evidence of the offense is obtained and that evidence

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

8 (4) An indictment for a violation of section 520c or ~~520d~~
9 **520d(1)** of the Michigan penal code, 1931 PA 328, MCL 750.520c and
10 750.520d, in which the victim is under 18 years of age may be found
11 and filed as follows:

12 (a) Except as otherwise provided in subdivision (b), an
13 indictment may be found and filed within 15 years after the offense
14 is committed or by the alleged victim's twenty-eighth birthday,
15 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 15 years after the individual is identified
22 or by the alleged victim's twenty-eighth birthday, whichever is
23 later.

24 (5) **An indictment for a violation of section 520d(2) of the**
25 **Michigan penal code, 1931 PA 328, MCL 750.520d, may be found and**
26 **filed as follows:**

27 (a) **Except as otherwise provided in subdivision (b), an**
28 **indictment may be found and filed within 15 years after the**
29 **offense.**

1 (b) If evidence of the offense is obtained and that evidence
2 contains DNA that is determined to be from an unidentified
3 individual, an indictment against that individual for the offense
4 may be found and filed at any time after the offense is committed.
5 However, after the individual is identified, the indictment may be
6 found and filed within 15 years after the individual is identified.

7 (6) ~~(5)~~—As used in subsections (3), ~~and~~ (4), and (5):

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

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

11 (7) ~~(6)~~—An indictment for kidnapping, extortion, assault with
12 intent to commit murder, attempted murder, manslaughter, armed
13 robbery, or first-degree home invasion may be found and filed as
14 follows:

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

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

25 (8) ~~(7)~~—An indictment for identity theft or attempted identity
26 theft may be found and filed as follows:

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

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

5 **(9)** ~~(8)~~—As used in subsection ~~(7)~~ **(8)** :

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

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

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

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

12 **(10)** ~~(9)~~—An indictment for false pretenses involving real
 13 property, forgery or uttering and publishing of an instrument
 14 affecting an interest in real property, or mortgage fraud may be
 15 found and filed within 10 years after the offense was committed or
 16 within 10 years after the instrument affecting real property was
 17 recorded, whichever occurs later.

18 **(11)** ~~(10)~~—All other indictments may be found and filed within
 19 6 years after the offense is committed.

20 **(12)** ~~(11)~~—Any period during which the party charged did not
 21 usually and publicly reside within this state is not part of the
 22 time within which the respective indictments may be found and
 23 filed.

24 **(13)** ~~(12)~~—The extension or tolling, as applicable, of the
 25 limitations period provided in this section applies to any of those
 26 violations for which the limitations period has not expired at the
 27 time the extension or tolling takes effect.

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

1 Enacting section 2. This amendatory act does not take effect
2 unless Senate Bill No. _____ or House Bill No. 5716 (request no.
3 03803'21) of the 101st Legislature is enacted into law.