

Criminal procedure; statute of limitations; statute of limitations for certain criminal sexual conduct offenses; eliminate.

CRIMINAL PROCEDURE: Statute of limitations; CRIMES: Crimes against minors; CRIMES: Criminal sexual conduct

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 2002 PA 119.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 CHAPTER VII

2 Sec. 24. (1) An indictment for murder, or criminal sexual  
3 conduct in the first degree, or a violation of chapter LXXXIII-A  
4 of the Michigan penal code, 1931 PA 328, MCL 750.543a to  
5 750.543z, or a violation of chapter XXXIII of the Michigan penal  
6 code, 1931 PA 328, MCL 750.200 to 750.212a, that is punishable by  
7 life imprisonment may be found and filed at any time.

8 (2) An indictment for a violation or attempted violation of  
9 section 145c, 520c, 520d, 520e, or 520g of the Michigan penal

1 code, 1931 PA 328, MCL 750.145c, 750.520c, 750.520d, 750.520e,  
2 and 750.520g, may be found and filed as follows:

3 (a) Except as otherwise provided in ~~subdivision~~  
4 SUBDIVISIONS (b) AND (C), an indictment may be found and filed  
5 within 10 years after the offense is committed or by the alleged  
6 victim's twenty-first birthday, whichever is later.

7 (b) If evidence of the violation is obtained and that evi-  
8 dence contains DNA that is determined to be from an unidentified  
9 individual, an indictment against that individual for the viola-  
10 tion may be found and filed at any time after the offense is  
11 committed. However, EXCEPT AS PROVIDED IN SUBDIVISION (C), after  
12 the individual is identified, the indictment shall be found and  
13 filed within 10 years after the individual is identified or by  
14 the alleged victim's twenty-first birthday, whichever is later.

15 ~~(c)~~ As used in this ~~subsection~~ SUBDIVISION:

16 (i) "DNA" means human deoxyribonucleic acid.

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

19 (C) IF THE VIOLATION OR ATTEMPTED VIOLATION IS COMMITTED BY  
20 AN INDIVIDUAL 18 YEARS OF AGE OR OLDER AGAINST AN INDIVIDUAL LESS  
21 THAN 18 YEARS OF AGE, AN INDICTMENT MAY BE FOUND AND FILED AT ANY  
22 TIME.

23 (3) An indictment for kidnapping, extortion, assault with  
24 intent to commit murder, attempted murder, manslaughter, conspir-  
25 acy to commit murder, or first-degree home invasion shall be  
26 found and filed within 10 years after the offense is committed.

1           (4) All other indictments shall be found and filed within 6  
2 years after the offense is committed.

3           (5) Any period during which the party charged did not usu-  
4 ally and publicly reside within this state is not part of the  
5 time within which the respective indictments shall be found and  
6 filed.