

# HOUSE BILL No. 4265

February 15, 2005, Introduced by Reps. Plakas, Gillard, Lipsey, Anderson, Bieda, Hopgood, Farrah, Hood, Accavitti, McConico, Clack, Kathleen Law, Gleason, Cheeks, Leland, Alma Smith, Condino, Meyer, Stewart, Nofs, Gaffney, Hune, Brown, Hunter, Zelenko, Polidori, Spade, Wojno, Meisner and Virgil Smith 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 2004 PA 458.

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

CHAPTER VII

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

1 (2) An indictment for a violation or attempted violation of  
2 section 145c, 520c, 520d, 520e, or 520g of the Michigan penal code,  
3 1931 PA 328, MCL 750.145c, 750.520c, 750.520d, 750.520e, and  
4 750.520g, may be found and filed as follows:

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

9 (b) If evidence of the violation is obtained and that evidence  
10 contains DNA that is determined to be from an unidentified  
11 individual, an indictment against that individual for the violation  
12 may be found and filed at any time after the offense is committed.  
13 However, after the individual is identified, the indictment may be  
14 found and filed within 10 years after the individual is identified  
15 or by the alleged victim's twenty-first birthday, whichever is  
16 later.

17 (c) As used in this subsection:

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

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

21 (3) An indictment for kidnapping, extortion, assault with  
22 intent to commit murder, attempted murder, manslaughter **OTHER THAN**  
23 **MANSLAUGHTER ARISING OUT OF THE OPERATION OF A MOTOR VEHICLE,**  
24 conspiracy to commit murder, or first-degree home invasion may be  
25 found and filed within 10 years after the offense is committed.

26 (4) **AN INDICTMENT FOR MANSLAUGHTER ARISING OUT OF THE**  
27 **OPERATION OF A MOTOR VEHICLE, FOR NEGLIGENT HOMICIDE, OR FOR A**

1 VIOLATION OF SECTION 625(4) OF THE MICHIGAN VEHICLE CODE, 1949 PA  
2 300, MCL 257.625, MAY BE FOUND AND FILED WITHIN 15 YEARS AFTER THE  
3 VICTIM'S DEATH.

4 (5) ~~—(4)—~~ An indictment for identity theft or attempted  
5 identity theft may be found and filed as follows:

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

9 (b) If evidence of the violation is obtained and the  
10 individual who committed the offense has not been identified, an  
11 indictment may be found and filed at any time after the offense is  
12 committed, but not more than 6 years after the individual is  
13 identified.

14 (c) As used in this subsection:

15 (i) "Identified" means the individual's legal name is known.

16 (ii) "Identity theft" means 1 or more of the following:

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

19 (B) Conduct prohibited under former section 285 of the  
20 Michigan penal code, 1931 PA 328.

21 (6) ~~—(5)—~~ All other indictments may be found and filed within  
22 6 years after the offense is committed.

23 (7) ~~—(6)—~~ Any period during which the party charged did not  
24 usually and publicly reside within this state is not part of the  
25 time within which the respective indictments may be found and  
26 filed.

27 (8) ~~—(7)—~~ The extension or tolling, as applicable, of the

1 limitations period provided in this section applies to any of those  
2 violations for which the limitations period has not expired at the  
3 time the extension or tolling takes effect.