

# HOUSE BILL No. 4490

March 23, 2011, Introduced by Reps. Meadows, Slavens, Liss, Durhal, Barnett, Townsend, Irwin, Segal, Hammel, Cavanagh, Walsh, Brunner, Tlaib, Hovey-Wright, Lipton, Nathan, Haugh, Ananich, Hobbs, Roy Schmidt, Bauer, Olumba, Brown and Womack 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 2005 PA 35.

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

CHAPTER VII

Sec. 24. (1) An indictment for murder, conspiracy to commit murder, solicitation to commit murder, criminal sexual conduct in the first degree, or a violation of the Michigan anti-terrorism act, chapter LXXXVIII-A of the Michigan penal code, 1931 PA 328, MCL 750.543a to 750.543z, or a violation of chapter XXXVIII 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.

(2) An indictment for a violation or attempted violation of

1 section 145c, 520c, 520d, 520e, or 520g of the Michigan penal code,  
2 1931 PA 328, MCL 750.145c, 750.520c, 750.520d, 750.520e, and  
3 750.520g, 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 or by the alleged victim's twenty-first birthday,  
7 whichever is later.

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

16 (c) As used in this subsection:

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

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

20 (3) An indictment for kidnapping, extortion, assault with  
21 intent to commit murder, attempted murder, manslaughter, or first-  
22 degree home invasion may be found and filed within 10 years after  
23 the offense is committed.

24 (4) An indictment for identity theft or attempted identity  
25 theft may be found and filed as follows:

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

1 is committed.

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

7 (c) As used in this subsection:

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

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

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

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

14 **(5) AN INDICTMENT FOR FALSE PRETENSES INVOLVING REAL PROPERTY,**  
15 **FORGERY OR UTTERING AND PUBLISHING OF AN INSTRUMENT AFFECTING AN**  
16 **INTEREST IN REAL PROPERTY, OR MORTGAGE FRAUD MAY BE FOUND AND FILED**  
17 **WITHIN 10 YEARS AFTER THE OFFENSE WAS COMMITTED OR WITHIN 10 YEARS**  
18 **AFTER THE INSTRUMENT AFFECTING REAL PROPERTY WAS RECORDED,**  
19 **WHICHEVER OCCURS LATER.**

20 (6) ~~(5)~~—All other indictments may be found and filed within 6  
21 years after the offense is committed.

22 (7) ~~(6)~~—Any period during which the party charged did not  
23 usually and publicly reside within this state is not part of the  
24 time within which the respective indictments may be found and  
25 filed.

26 (8) ~~(7)~~—The extension or tolling, as applicable, of the  
27 limitations period provided in this section applies to any of those

1 violations for which the limitations period has not expired at the  
2 time the extension or tolling takes effect.

3 Enacting section 1. This amendatory act does not take effect  
4 unless Senate Bill No. \_\_\_\_ or House Bill No. 4487(request no.  
5 00620'11) of the 96th Legislature is enacted into law.