

# HOUSE BILL No. 4231

February 24, 2015, Introduced by Reps. Hughes and Faris and referred to the Committee on Criminal 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 2014 PA 324.

**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 degree.

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

(c) A violation of chapter LXVIIA of the Michigan penal code,

1 1931 PA 328, MCL 750.462a to 750.462h, that is punishable by  
2 imprisonment for life.

3 (d) A violation of the Michigan anti-terrorism act, chapter  
4 LXXXVIII-A of the Michigan penal code, 1931 PA 328, MCL 750.543a to  
5 750.543z, that is punishable by imprisonment for life.

6 (2) An indictment for a violation or attempted violation of  
7 section 13, 462b, 462c, 462d, or 462e of the Michigan penal code,  
8 1931 PA 328, MCL 750.13, 750.462b, 750.462c, 750.462d, and  
9 750.462e, may be found and filed within 25 years after the offense  
10 is committed. This subdivision shall be known as "Theresa Flores's  
11 Law".

12 (3) An indictment for a violation or attempted violation of  
13 section 145c, 520c, 520d, 520e, or 520g of the Michigan penal code,  
14 1931 PA 328, MCL 750.145c, 750.520c, 750.520d, 750.520e, and  
15 750.520g, may be found and filed as follows:

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

20 (b) If evidence of the offense is obtained and that evidence  
21 contains DNA that is determined to be from an unidentified  
22 individual, an indictment against that individual for the offense  
23 may be found and filed at any time after the offense is committed.  
24 However, after the individual is identified, the indictment may be  
25 found and filed within 10 years after the individual is identified  
26 or by the alleged victim's twenty-first birthday, whichever is  
27 later.

1 (c) As used in this subsection:

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

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

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

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

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

18 (5) An indictment for identity theft or attempted identity  
19 theft may be found and filed as follows:

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

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

27 (c) As used in this subsection:

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

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

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

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

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

13 (7) All other indictments may be found and filed within 6  
14 years after the offense is committed.

15 (8) Any period during which the party charged did not usually  
16 and publicly reside within this state is not part of the time  
17 within which the respective indictments may be found and filed.

18 (9) ~~The~~ **EXCEPT AS PROVIDED IN SUBSECTION (1), THE** extension or  
19 tolling, as applicable, of the limitations period provided in this  
20 section applies to any of those violations for which the  
21 limitations period has not expired at the time the extension or  
22 tolling takes effect.

23 **(10) AN INDICTMENT FOR A VIOLATION OF SECTION 520B OF THE**  
24 **MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520B, COMMITTED AGAINST**  
25 **AN INDIVIDUAL LESS THAN 18 YEARS OF AGE MAY BE FOUND AND FILED AT**  
26 **ANY TIME, REGARDLESS OF WHETHER THE EXTENSION OR TOLLING, AS**  
27 **APPLICABLE OF THE LIMITATIONS PERIOD PROVIDED IN THIS SECTION HAS**

1 EXPIRED AT THE TIME THE EXTENSION OR TOLLING TOOK EFFECT.