

HOUSE BILL NO. 4493

March 11, 2021, Introduced by Reps. VanSingel and Yancey 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 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 of the Michigan penal code, 1931 PA 328, MCL
19 750.520c and 750.520d, in which the victim is under 18 years of
20 age, an indictment for a violation or attempted violation of
21 section 136, 136a, 145c, 520c, 520d, 520e, or 520g of the Michigan
22 penal code, 1931 PA 328, MCL 750.136, 750.136a, 750.145c, 750.520c,
23 750.520d, 750.520e, and 750.520g, may be found and filed as
24 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 of
9 the Michigan penal code, 1931 PA 328, MCL 750.520c and 750.520d, in
10 which the victim is under 18 years of age may be found and filed as
11 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) As used in subsections (3) and (4):

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

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

28 (6) An indictment for kidnapping, extortion, assault with
29 intent to commit murder, attempted murder, manslaughter, armed

1 robbery, or first-degree home invasion may be found and filed as
2 follows:

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

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

13 (7) An indictment for identity theft or attempted identity
14 theft may be found and filed as follows:

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

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

22 (8) As used in subsection (7):

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

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

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

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

29 (9) An indictment for false pretenses involving real property,

1 forgery or uttering and publishing of an instrument affecting an
2 interest in real property, or mortgage fraud may be found and filed
3 within 10 years after the offense was committed or within 10 years
4 after the instrument affecting real property was recorded,
5 whichever occurs later.

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

8 (11) Any period during which the party charged **was not**
9 **identified or** did not usually and publicly reside within this state
10 is not part of the time within which the respective indictments may
11 be found and filed. **As used in this subsection, "identified" means**
12 **the individual's legal name is known.**

13 (12) The extension or tolling, as applicable, of the
14 limitations period provided in this section applies to any of those
15 violations for which the limitations period has not expired at the
16 time the extension or tolling takes effect.

17 (13) **An indictment for an offense listed under subsection (1)**
18 **that occurred before May 2, 2001, may be found and filed under this**
19 **subsection at any time if the offense was reported to law**
20 **enforcement not more than 1 year after it was committed and if the**
21 **charged party was not charged within the statute of limitations**
22 **period as it existed before May 2, 2001, because he or she was not**
23 **identified or because he or she did not usually or publicly reside**
24 **within this state. As used in this subsection, "identified" means**
25 **the individual's legal name is known.**