

HOUSE BILL NO. 4485

April 27, 2023, Introduced by Reps. Miller, Brixie, Morse, Paiz, Churches, Tsernoglou, McFall, Byrnes, Neeley, Mentzer, Brabec, Arbit, Hill, Liberati, Farhat, Martus, Conlin, Wilson, Rheingans, Scott, Andrews, Hope, Price, Young, Haadsma, Hood, Dievendorf, Steckloff, Aiyash and Whitsett 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
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 **(e) A violation of section 520c or 520d of the Michigan penal**
12 **code, 1931 PA 328, MCL 750.520c and 750.520d.**

13 (2) An indictment for a violation or attempted violation of
14 section 13, 462b, 462c, 462d, or 462e of the Michigan penal code,
15 1931 PA 328, MCL 750.13, 750.462b, 750.462c, 750.462d, and
16 750.462e, may be found and filed within 25 years after the offense
17 is committed. This subsection shall be known as "Theresa Flores's
18 Law".

19 ~~(3) Except as provided in subsection (4) for a violation of~~
20 ~~section 520c or 520d of the Michigan penal code, 1931 PA 328, MCL~~
21 ~~750.520c and 750.520d, in which the victim is under 18 years of~~
22 ~~age, an~~ **An** indictment for a violation or attempted violation of
23 section 136, 136a, 145c, ~~520e, 520d, 520e,~~ or 520g of the Michigan
24 penal code, 1931 PA 328, MCL 750.136, 750.136a, 750.145c, ~~750.520e,~~
25 ~~750.520d,~~ 750.520e, and 750.520g, may be found and filed as
26 follows:

27 (a) Except as otherwise provided in subdivision (b), an
28 indictment may be found and filed within 10 years after the offense
29 is committed or by the alleged victim's twenty-first birthday,

1 whichever is later.

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

10 ~~(4) An indictment for a violation of section 520c or 520d of~~
11 ~~the Michigan penal code, 1931 PA 328, MCL 750.520c and 750.520d, in~~
12 ~~which the victim is under 18 years of age may be found and filed as~~
13 ~~follows:~~

14 ~~(a) Except as otherwise provided in subdivision (b), an~~
15 ~~indictment may be found and filed within 15 years after the offense~~
16 ~~is committed or by the alleged victim's twenty-eighth birthday,~~
17 ~~whichever is later.~~

18 ~~(b) If evidence of the offense is obtained and that evidence~~
19 ~~contains DNA that is determined to be from an unidentified~~
20 ~~individual, an indictment against that individual for the offense~~
21 ~~may be found and filed at any time after the offense is committed.~~
22 ~~However, after the individual is identified, the indictment may be~~
23 ~~found and filed within 15 years after the individual is identified~~
24 ~~or by the alleged victim's twenty-eighth birthday, whichever is~~
25 ~~later.~~

26 **(4)** ~~(5)~~As used in subsections **subsection (3):** and ~~(4):~~

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

28 (b) "Identified" means the individual's legal name is known
29 and ~~he or she~~ **the individual** has been determined to be the source

1 of the DNA.

2 **(5)** ~~(6)~~—An indictment for kidnapping, extortion, assault with
3 intent to commit murder, attempted murder, manslaughter, armed
4 robbery, or first-degree home invasion may be found and filed as
5 follows:

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

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

16 **(6)** ~~(7)~~—An indictment for identity theft or attempted identity
17 theft may be found and filed as follows:

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

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

25 **(7)** ~~(8)~~—As used in subsection ~~(7)~~: **(6)**:

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

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

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

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

3 **(8)** ~~(9)~~—An indictment for false pretenses involving real
4 property, forgery or uttering and publishing of an instrument
5 affecting an interest in real property, or mortgage fraud may be
6 found and filed within 10 years after the offense was committed or
7 within 10 years after the instrument affecting real property was
8 recorded, whichever occurs later.

9 **(9)** ~~(10)~~—All other indictments may be found and filed within 6
10 years after the offense is committed.

11 **(10)** ~~(11)~~—Any period during which the party charged did not
12 usually and publicly reside within this state is not part of the
13 time within which the respective indictments may be found and
14 filed.

15 **(11)** ~~(12)~~—The extension or tolling, as applicable, of the
16 limitations period provided in this section applies to any of those
17 violations for which the limitations period has not expired at the
18 time the extension or tolling takes effect.