

**SUBSTITUTE FOR
SENATE BILL NO. 52**

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
2017 PA 79.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

CHAPTER VII

2

Sec. 24. (1) An indictment for any of the following crimes may
be found and filed at any time:

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(a) Murder, conspiracy to commit murder, or solicitation to
commit murder, or criminal sexual conduct in the first degree.

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

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1 imprisonment for life.

2 (c) A violation of chapter LXVIIA of the Michigan penal code,
3 1931 PA 328, MCL 750.462a to 750.462h, that is punishable by
4 imprisonment for life.

5 (D) A VIOLATION OR ATTEMPTED VIOLATION OF SECTION 520C OF THE
6 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520C, IN WHICH THE VICTIM
7 IS UNDER 16 YEARS OF AGE.

8 (E) ~~(d)~~ A violation of the Michigan anti-terrorism act,
9 chapter LXXXIII-A of the Michigan penal code, 1931 PA 328, MCL
10 750.543a to 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) ~~An~~ EXCEPT AS PROVIDED FOR A VIOLATION OF SECTION 520C OF
18 THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520C, DESCRIBED IN
19 SUBSECTION (1) (D), AN indictment for a violation or attempted
20 violation of section 136, 136a, 145c, 520c, 520d, 520e, or 520g of
21 the Michigan penal code, 1931 PA 328, MCL 750.136, 750.136a,
22 750.145c, 750.520c, 750.520d, 750.520e, and 750.520g, may be found
23 and filed as follows:

24 (a) Except as otherwise provided in ~~subdivision~~ SUBDIVISIONS
25 (b) AND (C), an indictment may be found and filed within 10 years
26 after the offense is committed or by the alleged victim's twenty-
27 first birthday, whichever is later.

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

9 (C) AN INDICTMENT FOR A VIOLATION OF SECTION 520D OF THE
10 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520D, MAY BE FOUND AND
11 FILED WITHIN 20 YEARS AFTER THE OFFENSE IS COMMITTED OR BY THE
12 ALLEGED VICTIM'S THIRTY-FIRST BIRTHDAY, WHICHEVER IS LATER.

13 (4) As used in subsection (3):

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

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

17 (5) An indictment for kidnapping, extortion, assault with
18 intent to commit murder, attempted murder, manslaughter, or first-
19 degree home invasion 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 10 years after the offense
22 is committed.

23 (b) If the offense is reported to a police agency within 1
24 year after the offense is committed and the individual who
25 committed the offense is unknown, an indictment for that offense
26 may be found and filed within 10 years after the individual is
27 identified. This subsection shall be known as Brandon D'Annunzio's

1 law. As used in this subsection, "identified" means the
2 individual's legal name is known.

3 (6) An indictment for identity theft or attempted identity
4 theft 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 6 years after the offense
7 is committed.

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

12 (7) As used in subsection (6):

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

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

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

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

19 (8) An indictment for false pretenses involving real property,
20 forgery or uttering and publishing of an instrument affecting an
21 interest in real property, or mortgage fraud may be found and filed
22 within 10 years after the offense was committed or within 10 years
23 after the instrument affecting real property was recorded,
24 whichever occurs later.

25 (9) All other indictments may be found and filed within 6
26 years after the offense is committed.

27 (10) Any period during which the party charged did not usually

1 and publicly reside within this state is not part of the time
2 within which the respective indictments may be found and filed.

3 (11) The extension or tolling, as applicable, of the
4 limitations period provided in this section applies to any of those
5 violations for which the limitations period has not expired at the
6 time the extension or tolling takes effect.

7 Enacting section 1. This amendatory act takes effect 90 days
8 after the date it is enacted into law.