

SENATE BILL NO. 462

August 28, 2019, Introduced by Senator ANANICH and referred to the Committee on Judiciary and Public Safety.

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
5 commit murder, or criminal sexual conduct in the first degree.

1 (b) A violation of chapter XXXIII of the Michigan penal code,
2 1931 PA 328, MCL 750.200 to 750.212a, that is punishable by
3 imprisonment for life.

4 (c) A violation of chapter LXVIIA of the Michigan penal code,
5 1931 PA 328, MCL 750.462a to 750.462h, that is punishable by
6 imprisonment for life.

7 (d) A violation of the Michigan anti-terrorism act, chapter
8 LXXXIII-A of the Michigan penal code, 1931 PA 328, MCL 750.543a to
9 750.543z, that is punishable by imprisonment for life.

10 (2) An indictment for a violation or attempted violation of
11 section 13, 462b, 462c, 462d, or 462e of the Michigan penal code,
12 1931 PA 328, MCL 750.13, 750.462b, 750.462c, 750.462d, and
13 750.462e, may be found and filed within 25 years after the offense
14 is committed. This subsection shall be known as "Theresa Flores's
15 Law".

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

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

28 (b) If evidence of the offense is obtained and that evidence
29 contains DNA that is determined to be from an unidentified

1 individual, an indictment against that individual for the offense
2 may be found and filed at any time after the offense is committed.
3 However, after the individual is identified, the indictment may be
4 found and filed within 10 years after the individual is identified
5 or by the alleged victim's twenty-first birthday, whichever is
6 later.

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

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

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

23 (5) As used in subsections (3) and (4):

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

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

27 (6) An indictment for kidnapping, extortion, assault with
28 intent to commit murder, attempted murder, manslaughter, armed
29 robbery, or first-degree home invasion may be found and filed as

1 follows:

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

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

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

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

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

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

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

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

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

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

28 (9) An indictment for false pretenses involving real property,
29 forgery or uttering and publishing of an instrument affecting an

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

5 (10) An indictment for a violation of section 478 of the
6 Michigan penal code, 1931 PA 328, MCL 750.478, or any violation for
7 misconduct by a public officer committed in connection with his or
8 her official duties, may be found and filed within 10 years after
9 the offense is committed.

10 (11) ~~(10)~~ All other indictments may be found and filed within
11 6 years after the offense is committed.

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

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

20 (14) As used in this section, "public officer" means a person
21 who is elected or appointed to or as any of the following:

22 (a) An office established by the state constitution of 1963.

23 (b) A public office of a city, village, township, or county in
24 this state.

25 (c) A department, board, agency, institution, commission,
26 court, authority, division, council, college, university, school
27 district, intermediate school district, special district, or other
28 public entity of this state or a city, village, township, or county
29 in this state.

1 (d) An emergency manager as that term is defined in section 2
2 of the local financial stability and choice act, 2012 PA 436, MCL
3 141.1542.

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