

# HOUSE BILL No. 5069

August 1, 1991, Introduced by Reps. Dobronski, Byrum, Barns, Stallworth, DeMars, Varga, DeBeaussiaert, Harder, Kosteva, Weeks, Gire, Wallace, Johnson, Sikkema, Gilmer, Ostling, Dobb, Strand, Dalman, Shugars, London, Willis Bullard, Hoekman, Jaye, DeLange, Bandstra, Robertson, McNutt, Oxender, Bobier, Knight, Baade, Pitoniak, Clarke, Richard A. Young, Joe Young, Sr., Profit, Hunter and Murphy and referred to the Committee on Judiciary.

A bill to amend section 21527 of Act No. 368 of the Public Acts of 1978, entitled as amended

"Public health code,"

as added by Act No. 3 of the Public Acts of 1988, being section 333.21527 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 21527 of Act No. 368 of the Public Acts  
2 of 1978, as added by Act No. 3 of the Public Acts of 1988, being  
3 section 333.21527 of the Michigan Compiled Laws, is amended to  
4 read as follows:

5 Sec. 21527. (1) If an individual alleges to a physician or  
6 other member of the attending or admitting staff of a hospital  
7 that within the preceding 24 hours the individual has been the  
8 victim of criminal sexual conduct under sections 520a to 520f of  
9 the Michigan penal code, Act No. 328 of the Public Acts of 1931,

1 being sections 750.520a to 750.520~~l~~ of the Michigan Compiled  
2 Laws, the attending health care personnel responsible for examin-  
3 ing or treating the individual immediately shall inform the indi-  
4 vidual of the availability of a sexual assault evidence kit and,  
5 with the consent of the individual, shall perform or have per-  
6 formed on the individual the procedures required by the sexual  
7 assault evidence kit. THE PERSON PERFORMING THE PROCEDURES SHALL  
8 ADVISE THE INDIVIDUAL OF THE OPPORTUNITY TO USE A PSEUDONYM UNDER  
9 SECTION 22 OF CHAPTER XVI OF THE CODE OF CRIMINAL PROCEDURE, ACT  
10 NO. 175 OF THE PUBLIC ACTS OF 1927, BEING SECTION 776.22 OF THE  
11 MICHIGAN COMPILED LAWS.

12 (2) For the purposes of this section, the administration of  
13 a sexual assault evidence kit is not a medical procedure.

14 (3) As used in this section, "sexual assault evidence kit"  
15 means a standardized set of equipment and written procedures  
16 approved by the department of state police ~~which~~ THAT have been  
17 designed to be administered to an individual principally for the  
18 purpose of gathering evidence of sexual conduct, which evidence  
19 is of the type offered in court by the forensic science division  
20 of the department of state police for prosecuting a case of crim-  
21 inal sexual conduct under sections 520a to 520~~l~~ of the Michigan  
22 penal code, Act No. 328 of the Public Acts of 1931. A SEXUAL  
23 ASSAULT EVIDENCE KIT SHALL CONTAIN THE PSEUDONYM FORM DEVELOPED  
24 PURSUANT TO SECTION 24 OF CHAPTER XVI OF ACT NO. 175 OF THE  
25 PUBLIC ACTS OF 1927, BEING SECTION 776.24 OF THE MICHIGAN  
26 COMPILED LAWS.

1       Section 2. This amendatory act shall take effect July 1,  
2 1992.

3       Section 3. This amendatory act shall not take effect unless  
4 Senate Bill No. \_\_\_\_\_ or House Bill No. 5068 (request  
5 no. 03376'91) of the 86th Legislature is enacted into law.