



**House
Legislative
Analysis
Section**

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FORENSIC LAB FUND

House Bill 4245
Sponsor: Rep. Jerry Vorva
Committee: Judiciary

Complete to 7-12-93

A SUMMARY OF HOUSE BILL 4245 AS INTRODUCED 2-11-93

The bill would create the "Forensic Laboratory Funding Act," which would provide a means of funding forensic laboratory costs incurred by the state and local units of government. A state fund would be created, funded at least in part through assessments on criminal defendants, and allocated for state police forensic science expenses, as specified by the bill. Local funds could be similarly established to meet local expenses of maintaining a forensic laboratory or contracting for forensic services. Courts would be allowed to retain five percent of all assessments levied. The bill would take effect 90 days after enactment, and would remain in effect for two years, at which time it would be repealed. Further details follow.

Criminal assessment. When a person was convicted of a crime, and a forensic laboratory had conducted a drug analysis, toxicology analysis, or other forensic analysis or examination in the investigation of the case, the court would order the person to pay an assessment of \$150. The assessment would be in addition to any fine, costs, or other assessment; however, the court could suspend all or part of the assessment if it determined that the defendant was unable to pay.

Notifications. The investigating officer of each criminal case being adjudicated would inform the prosecutor if a forensic analysis had been done, and the prosecutor would notify the court.

Assessment distribution. A court could retain as costs five percent of an assessment levied under the bill. The court clerk would transmit the remainder to the state forensic laboratory fund, if the state police laboratory had performed the work or if a local fund had not been created. Otherwise, generally, the money would go to a local laboratory fund. Special provision would be made for criminal sexual conduct cases: the money would go to the state fund, unless the case also involved a nonsexual crime or both state and local laboratories had contributed to the investigation. If either of these two latter exceptions applied, the money would be divided proportionately between the local unit and the state. Such an apportionment would be determined by the court. The court clerk would make distributions at the end of each month.

State fund. The legislature would appropriate money in the state fund to the Department of State Police exclusively for forensic science services. Use of the money could include, but would not be limited to, the following: costs of forensic analyses, equipment costs, continuing education and training, and expenses of implementing and performing DNA identification profiling under the DNA Identification Profiling System Act (Note: the

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DNA profiling act, Public Act 250 of 1990, did not take effect because certain conditions set forth in the act were not met). Money allocated from the fund for the state police laboratory division would be in addition to any other allocations made according to existing law. The fund could receive money from other sources, in addition to criminal assessments under the bill.

Local funds. Money in local forensic science funds would be disbursed in the same manner as money in the state fund. A municipality (meaning a county, township, city, or village) would appropriate money to the forensic laboratory maintained by the municipality or to reimburse a forensic laboratory with which the municipality had contracted.

Annual reports. The Department of State Police or the Department of Treasury would report annually to the governor and the House and Senate appropriations committees on the amount received and appropriated, the amount expended, and the balance in the fund.