

Act No. 163
Public Acts of 1994
Approved by the Governor
June 16, 1994
Filed with the Secretary of State
June 17, 1994

**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1994**

Introduced by Reps Cropsey Nye and Mathieu

ENROLLED HOUSE BILL No. 5414

AN ACT to amend section 520m of Act No 328 of the Public Acts of 1931 entitled as amended An act to revise consolidate codify and add to the statutes relating to crimes to define crimes and prescribe the penalties therefor to provide for restitution under certain circumstances to provide for the competency of evidence at the trial of persons accused of crime to provide immunity from prosecution for certain witnesses appearing at such trials and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act as added by Act No 191 of the Public Acts of 1990 being section 750 520m of the Michigan Compiled Laws

The People of the State of Michigan enact

Section 1 Section 520m of Act No 328 of the Public Acts of 1931 as added by Act No 191 of the Public Acts of 1990 being section 750 520m of the Michigan Compiled Laws is amended to read as follows

Sec 520m (1) A person convicted of a violation or an attempted violation of section 520b 520c 520d 520e or 520g shall provide samples of his or her blood for chemical testing for DNA identification profiling or a determination of the blood s genetic markers and shall provide samples of his or her saliva for chemical testing for a determination of the secretor status of the saliva However if at the time the person is convicted the investigating law enforcement agency or the department of state police already has a sample of the person s blood or saliva that meets the requirements of the rules promulgated under the DNA identification profiling system act Act No 250 of the Public Acts of 1990 being sections 28 171 to 28 176 of the Michigan Compiled Laws the person is not required to provide another sample of the same body fluid

(2) The investigating law enforcement agency shall provide for the taking of the samples required to be provided under subsection (1) in a medically approved manner by qualified persons using blood specimen vials and other supplies provided by the department of state police and shall forward those samples and any samples described in subsection (1) that were already in the agency s possession to the department of state police The taking and forwarding of blood and saliva samples shall be done in the manner required under the rules promulgated pursuant to the DNA identification profiling system act Act No 250 of the Public Acts of 1990

(3) An investigating law enforcement agency prosecuting agency or court that has in its possession a DNA identification profile obtained from a sample of the blood saliva or tissue of a person convicted of an offense described in subsection (1) shall forward the DNA identification profile to the department of state police at or before the time of sentencing of the person upon that conviction unless the department of state police already has a DNA identification profile of the person

(4) As used in this section

(a) DNA identification profile and DNA identification profiling mean those terms as defined in section 2 of the DNA identification profiling system act Act No 250 of the Public Acts of 1990 being section 28 172 of the Michigan Compiled Laws

(b) Investigating law enforcement agency means the law enforcement agency responsible for the investigation of the offense for which the person is convicted

Section 2 This amendatory act shall not take effect unless all of the following bills of the 87th Legislature are enacted into law

(a) Senate Bill No 1002

(b) Senate Bill No 1003

(c) House Bill No 5415

Section 3 This amendatory act shall take effect September 1 1994

This act is ordered to take immediate effect

Co Clerk of the House of Representatives

Secretary of the Senate

Approved

Governor