

Act No. 164
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 Palamara Nye and Profit

ENROLLED HOUSE BILL No. 5415

AN ACT to amend section 33d of Act No 232 of the Public Acts of 1953 entitled as amended An act to revise consolidate and codify the laws relating to probationers and probation officers to pardons reprieves commutations and paroles to the administration of correctional institutions correctional farms and probation recovery camps to prisoner labor and correctional industries and to the supervision and inspection of local jails and houses of correction to provide for the siting of correctional facilities to create a state department of corrections and to prescribe its powers and duties to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards commissions and officers and to abolish certain boards commissions and offices the powers and duties of which are transferred by this act to prescribe the powers and duties of certain other state departments and agencies to provide for the creation of a local lockup advisory board to prescribe penalties for the violation of the provisions of this act to make certain appropriations to repeal certain parts of this act on specific dates and to repeal all acts and parts of acts inconsistent with the provisions of this act as added by Act No 251 of the Public Acts of 1990 being section 791 233d of the Michigan Compiled Laws

The People of the State of Michigan enact

Section 1 Section 33d of Act No 232 of the Public Acts of 1953 as added by Act No 251 of the Public Acts of 1990 being section 791 233d of the Michigan Compiled Laws is amended to read as follows

Sec 33d A prisoner serving a sentence for a violation or an attempted violation of section 520b 520c 520d 520e or 520g of the Michigan penal code Act No 328 of the Public Acts of 1931 being sections 750 520b 750 520c 750 520d 750 520e and 750 520g of the Michigan Compiled Laws shall not be released on parole until he or she has provided blood samples for chemical testing for DNA identification profiling or a determination of the blood's genetic markers and has provided samples of his or her saliva for chemical testing to determine the secretor status of the saliva However if at the time the prisoner is to be released the department of state police already has a sample of the prisoner'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 prisoner is not required to provide another sample of the same body fluid The blood or saliva samples required to be collected under this section shall be collected by the department and transmitted by the department to the department of state police in the manner prescribed by rules promulgated under the DNA identification profiling system act Act No 250 of the Public Acts of 1990

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 5414

Section 3 Section 33d of Act No 232 of the Public Acts of 1953 as amended by 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