



HOUSE BILL No. 4245

February 11, 1993, Introduced by Reps. Vorva, Hoffman, Goschka, Lowe, Hill, Jamian, Hammerstrom, Weeks, Horton, Rocca, Bobier, Galloway, Whyman, Bullard, Bodem, Gernaat, Kukuk, Walberg, Nye, McManus, Dolan, Jersevic, Brackenridge, Gnodtke, Bender, McBryde, Dalman, Middaugh, Sikkema, Cropsey, Gilmer, Martin, Shugars, Bankes, Stille, Munsell, Fitzgerald, Dobb and Middleton and referred to the Committee on Judiciary.

A bill to create the state forensic laboratory fund; to authorize local forensic laboratory funds; to provide for assessments against certain criminal defendants; to provide for expenditures from the forensic laboratories funds; to prescribe the powers and duties of certain departments and agencies and local units of government; and to repeal this act on a specific date.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as "the
2 forensic laboratory funding act".

3 Sec. 2. As used in this act:

4 (a) "Forensic laboratory" means a laboratory maintained by
5 the department of state police or a municipality, or that a
6 municipality contracts with for services described in
7 section 5(1), that meets all of the following criteria:

1 (i) Has at least 1 regularly employed forensic scientist who
2 conducts analyses of controlled substances or androgenic anabolic
3 steroids for criminal justice agencies in criminal matters, and
4 provides testimony with respect to those analyses.

5 (ii) Is registered as an analytical laboratory with the drug
6 enforcement administration of the United States department of
7 justice for possessing all scheduled controlled substances.

8 (iii) Conducts other forensic analyses and examinations in
9 areas including, but not limited to, latent prints, microchemis-
10 try, toxicology, serology, firearms, toolmarks, or questioned
11 documents, and provides testimony with respect to those analyses
12 and examinations.

13 (b) "Municipality" means a county, township, city, or
14 village.

15 Sec. 3. The state forensic laboratory fund is created as a
16 separate fund in the state treasury. The state treasurer shall
17 credit to the fund all amounts received under sections 6 and 9.
18 Money in the fund that is not appropriated in a fiscal year shall
19 be credited to the fund and shall not revert to the general
20 fund. Earnings from the fund shall be credited to the fund.

21 Sec. 4. A municipality that maintains a forensic laboratory
22 or contracts with a forensic laboratory for services described in
23 section 5(1) may establish a forensic laboratory fund within the
24 office of the treasurer of the municipality.

25 Sec. 5. (1) The investigating officer of each criminal case
26 being adjudicated shall advise the prosecuting attorney if a

1 forensic laboratory has conducted a drug analysis, toxicology
2 analysis, or other forensic analysis or examination in the case.

3 (2) The prosecuting attorney shall examine the case and
4 notify the court that a forensic laboratory has conducted a drug
5 analysis, toxicology analysis, or other forensic analysis or
6 examination in the investigation of the case before the court.

7 Sec. 6. (1) If the court is notified pursuant to section 5
8 that a forensic laboratory has conducted a drug analysis, toxi-
9 cology analysis, or other forensic analysis or examination in the
10 investigation of the case, the court shall order each person con-
11 victed of 1 or more crimes in the case to pay an assessment of
12 \$150.00.

13 (2) The assessment required under subsection (1) is in addi-
14 tion to any fine, costs, or other assessments imposed by the
15 court. An assessment required under subsection (1) shall be
16 ordered upon the record, and shall be listed separately in the
17 judgment of sentence or order of probation.

18 (3) Upon verified petition by the defendant against whom an
19 assessment is imposed, the court may suspend payment of all or
20 part of the assessment if it determines the defendant is unable
21 to pay the assessment.

22 (4) The court may retain 5% of all assessments levied for
23 costs incurred pursuant to this section. On the last day of each
24 month, the clerk of the court shall transmit all remaining
25 assessments received under this section as follows:

26 (a) If the analysis or examination was done by a forensic
27 laboratory of the department of state police or if the

1 municipality governing the municipal forensic laboratory or
2 contracting with a forensic laboratory for services has not
3 established a forensic laboratory fund, to the department of
4 treasury for deposit in the state forensic laboratory fund cre-
5 ated in section 3.

6 (b) Except as provided in subdivision (c) or (d), if the
7 assessment resulted from an analysis or examination conducted by
8 a municipal forensic laboratory or a forensic laboratory with
9 which the municipality contracted, to the treasury of the munici-
10 pality for deposit in a forensic laboratory fund established pur-
11 suant to section 4.

12 (c) If the assessment resulted from a conviction for a vio-
13 lation or attempted violation of section 520b, 520c, 520d, 502e,
14 520f, or 520g of the Michigan penal code, Act No. 328 of the
15 Public Acts of 1931, being sections 750.520b, 750.520c, 750.520d,
16 750.520e, 750.520f, and 750.520g of the Michigan Compiled Laws,
17 to the department of treasury for deposit in the state forensic
18 laboratory fund created in section 3.

19 (d) If the assessment resulted from a conviction for both a
20 violation or attempted violation of section 520b, 520c, 520d,
21 520e, 520f, or 520g of Act No. 328 of the Public Acts of 1931 and
22 another offense, or if the case involved analysis or examination
23 of evidence by both state and municipal or private forensic labo-
24 ratories, the court shall order the assessment to be divided pro-
25 portionally between the department of treasury and the treasury
26 of the municipality as necessary. The court shall determine the
27 apportionment of the assessment under this subdivision at

1 sentencing and the clerk of court shall distribute the remaining
2 assessment in accordance with the court's order.

3 (5) The clerk shall include with the assessments transmitted
4 pursuant to subsection (4) a written report containing all of the
5 following for the period covered by the report:

6 (a) The name of the court.

7 (b) The total number of defendants against whom the court
8 imposed an assessment.

9 (c) The total amount of assessments the court imposed.

10 (d) The total amount of assessments the court collected.

11 Sec. 7. (1) The legislature shall appropriate money in the
12 state forensic laboratory fund to the department of state police
13 exclusively for forensic science services.

14 (2) The use of money appropriated pursuant to this section
15 may include, but is not limited to, any of the following:

16 (a) Costs incurred in providing forensic analyses or exami-
17 nations in connection with criminal investigations conducted
18 within this state.

19 (b) Purchasing or maintaining equipment used in performing
20 forensic analyses and examinations.

21 (c) Providing for the continuing education, training, and
22 professional development of regularly employed laboratory
23 personnel.

24 (d) Payment of expenses for implementing and performing pro-
25 cedures for DNA identification profiling under the DNA identifi-
26 cation profiling system act, Act No. 250 of the Public Acts of

1 1990, being sections 28.171 to 28.178 of the Michigan Compiled
2 Laws.

3 (3) Money appropriated from the state forensic laboratory
4 fund to the division of the department of state police concerned
5 with forensic sciences shall be in addition to any allocations
6 made pursuant to existing law.

7 Sec. 8. (1) A municipality shall appropriate fees deposited
8 in a forensic laboratory fund established pursuant to section 4
9 to the forensic laboratory maintained by the municipality or to
10 reimburse a forensic laboratory with which the municipality con-
11 tracts for services described in section 5(1).

12 (2) Money appropriated pursuant to this section shall be for
13 the exclusive use of the forensic laboratory maintained by the
14 municipality in the same manner as provided in section 7(2)(a) to
15 (c) or for reimbursement of a forensic laboratory with which the
16 municipality contracted for services and shall be in addition to
17 any allocations made pursuant to existing law.

18 Sec. 9. The department of state police may accept for
19 deposit in the state forensic laboratory fund by the state trea-
20 surer gifts and grants of money from individuals, federal or
21 state governmental agencies, corporations, partnerships, associa-
22 tions, foundations, organizations, societies, or other legal
23 entities.

24 Sec. 10. The department of state police or the department
25 of treasury, as applicable, shall report annually to the governor
26 and to the house and senate appropriations committees the amount
27 received and appropriated in the fiscal year pursuant to this

1 act, the amount expended pursuant to appropriations, and the
2 balance in the state forensic laboratory fund.

3 Sec. 11. This act shall take effect upon the expiration of
4 90 days after the date of its enactment.

5 Sec. 12. This act is repealed effective 2 years after its
6 effective date.