



HOUSE BILL No. 5414

March 15 1994 Introduced by Reps Cropsey Nye and Mathieu and referred to the Committee on Judiciary

A bill to amend section 520m of Act No 328 of the Public Acts of 1931, entitled as amended

"The Michigan penal code,"

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

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

5 Sec 520m (1) A person convicted of a violation or an
6 attempted violation of section 520b, 520c, 520d, 520e, ~~520f~~, or
7 520g shall provide samples of his or her blood for chemical
8 testing for DNA identification profiling or a determination of
9 the blood's genetic markers and shall provide samples of his or

1 her saliva for chemical testing for a determination of the
2 secretor status of the saliva. However, if at the time the
3 person is convicted the investigating law enforcement agency or
4 the department of state police already has a sample of the
5 person's blood or saliva that meets the requirements of the rules
6 promulgated under the DNA identification profiling system act,
7 ACT NO 250 OF THE PUBLIC ACTS OF 1990 BEING SECTIONS 28 171 TO
8 28 176 OF THE MICHIGAN COMPILED LAWS, the person is not required
9 to provide another sample of the same body fluid.

10 (2) The investigating law enforcement agency shall provide
11 for the taking of the samples required to be provided under
12 subsection (1) in a medically approved manner by qualified per-
13 sons using blood specimen vials and other supplies provided by
14 the department of state police and shall forward those samples
15 and any samples described in subsection (1) that were already in
16 the agency's possession to the department of state police. The
17 taking and forwarding of blood and saliva samples shall be done
18 in the manner required under the rules promulgated pursuant to
19 the DNA identification profiling system act, ACT NO 250 OF THE
20 PUBLIC ACTS OF 1990.

21 (3) An investigating law enforcement agency prosecuting
22 agency, or court that has in its possession a DNA identification
23 profile obtained from a sample of the blood, saliva, or tissue of
24 a person convicted of an offense described in subsection (1)
25 shall forward the DNA identification profile to the department of
26 state police at or before the time of sentencing of the person.

1 upon that conviction unless the department of state police
2 already has a DNA identification profile of the person

3 (4) As used in this section

4 (a) DNA identification profile and "DNA identification
5 profiling" mean those terms as defined in SECTION 2 OF the DNA
6 identification profiling system act, ACT NO 250 OF THE PUBLIC
7 ACTS OF 1990, BEING SECTION 28 172 OF THE MICHIGAN COMPILED
8 LAWS

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

12 Section 2 This amendatory act shall not take effect unless
13 Senate Bill No _____ or House Bill No _____ (request
14 no 00344 93 *) of the 87th Legislature is enacted into law