

Act No. 507  
Public Acts of 1996  
Approved by the Governor  
January 7, 1997  
Filed with the Secretary of State  
January 9, 1997

**STATE OF MICHIGAN  
88TH LEGISLATURE  
REGULAR SESSION OF 1996**

Introduced by Reps. Goschka, Kaza, Horton, Rocca, Hill, McBryde, Dalman, London, Crissman, McNutt, Cropsey, Pitoniak, Bush and Voorhees

# **ENROLLED HOUSE BILL No. 5783**

AN ACT to amend chapter XIIA of Act No. 288 of the Public Acts of 1939, entitled as amended "An act to revise and consolidate the statutes relating to certain aspects of the organization and jurisdiction of the probate court of this state, the powers and duties of such court and the judges and other officers thereof, certain aspects of the statutes of descent and distribution of property, and the statutes governing the change of name of adults and children, the adoption of adults and children, and the jurisdiction of the juvenile division of the probate court; to prescribe the powers and duties of the juvenile division of the probate court, and the judges and other officers thereof; to prescribe the manner and time within which actions and proceedings may be brought in the juvenile division of the probate court; to prescribe pleading, evidence, practice, and procedure in actions and proceedings in the juvenile division of the probate court; to provide for appeals from the juvenile division of the probate court; to prescribe the powers and duties of certain state departments, agencies, and officers; and to provide remedies and penalties for the violation of this act," as amended, being sections 712A.1 to 712A.31 of the Michigan Compiled Laws, by adding section 18k.

*The People of the State of Michigan enact:*

Section 1. Chapter XIIA of Act No. 288 of the Public Acts of 1939, as amended, being sections 712A.1 to 712A.31 of the Michigan Compiled Laws, is amended by adding section 18k to read as follows:

## **CHAPTER XIIA**

Sec. 18k. (1) An individual convicted of or found responsible for a violation of section 91, 316, or 317 or a violation or attempted violation of section 349, 520b, 520c, 520d, 520e, or 520g shall provide samples for chemical testing for DNA identification profiling or a determination of the sample's genetic markers and shall provide samples for chemical testing for a determination of his or her secretor status. However, if at the time the individual is convicted of or found responsible for the violation the investigating law enforcement agency, the department of state police, or the family independence agency already has a sample from the individual 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 individual is not required to provide another sample.

(2) The investigating law enforcement agency shall provide for collecting the samples required to be provided under subsection (1) in a medically approved manner by qualified persons using 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 collecting and forwarding of samples shall be done in the manner required under the rules promulgated under the DNA identification profiling system act, Act No. 250 of the Public Acts of 1990.

(3) The family independence agency or an investigating law enforcement agency, prosecuting agency, or court that has in its possession a DNA identification profile obtained from a sample of an individual convicted of or found responsible for an offense described in subsection (1) shall forward the DNA identification profile to the department of state police at or before the time the court imposes sentence or enters an order of disposition upon that conviction or finding of responsibility unless the department of state police already has a DNA identification profile of the individual.

(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 individual is convicted or found responsible.

(c) "Sample" means a portion of an individual's blood, saliva, or tissue collected from the individual.

Section 2. This amendatory act shall take effect January 1, 1997.

Section 3. This amendatory act shall not take effect unless all of the following bills of the 88th Legislature are enacted into law:

(a) House Bill No. 5912.

(b) House Bill No. 6061.

(c) House Bill No. 6062.

This act is ordered to take immediate effect.

-----  
Clerk of the House of Representatives.

-----  
Secretary of the Senate.

Approved -----

-----  
Governor.