

Act No. 508
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. Law, Bush, Ryan, Goschka, Profit, Bullard, Hill, Bodem, Cropsey, Kukuk, Voorhees, Walberg, McManus, Rocca, Olshove, Porreca, Weeks, London, Bankes, Galloway, Jersevic and Perricone

ENROLLED HOUSE BILL No. 5912

AN ACT to amend the title and sections 2, 3, and 6 of Act No. 250 of the Public Acts of 1990, entitled "An act to provide for a DNA identification profiling system; to provide for the collection of blood and saliva samples taken from certain prisoners and convicted offenders and the analysis of those samples and blood, saliva, and tissue samples from other individuals; and to prescribe the powers and duties of certain state departments," section 3 as amended by Act No. 166 of the Public Acts of 1994, being sections 28.172, 28.173, and 28.176 of the Michigan Compiled Laws; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

Section 1. The title and sections 2, 3, and 6 of Act No. 250 of the Public Acts of 1990, section 3 as amended by Act No. 166 of the Public Acts of 1994, being sections 28.172, 28.173, and 28.176 of the Michigan Compiled Laws, are amended to read as follows:

TITLE

An act to provide for a DNA identification profiling system; to provide for the collection of samples from certain prisoners, convicted offenders, and juvenile offenders and the analysis of those samples; and to prescribe the powers and duties of certain state departments.

Sec. 2. As used in this act:

- (a) "Department" means the department of state police.
- (b) "DNA identification profile" means the results of the DNA identification profiling of a sample.
- (c) "DNA identification profiling" means a validated scientific method of analyzing components of deoxyribonucleic acid molecules in a sample to identify the pattern of the components' chemical structure that is unique to the individual.
- (d) "Sample" means a portion of an individual's blood, saliva, or tissue collected from the individual.

Sec. 3. The department shall promulgate rules under the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws, to implement this act, including, but not limited to, rules governing all of the following:

(a) The method of collecting samples in a medically approved manner by qualified persons and the types and number of samples to be collected by the following:

(i) The department of corrections from certain prisoners under section 33d of Act No. 232 of the Public Acts of 1953, being section 791.233d of the Michigan Compiled Laws.

(ii) Law enforcement agencies from certain convicted offenders under section 520m of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being section 750.520m of the Michigan Compiled Laws, or certain juveniles under section 18k of chapter XIIA of Act No. 288 of the Public Acts of 1939, being section 712A.18k of the Michigan Compiled Laws.

(iii) The family independence agency from certain juveniles under section 7a of the youth rehabilitation services act, Act No. 150 of the Public Acts of 1974, being section 803.307a of the Michigan Compiled Laws, or section 5a of the juvenile facilities act, Act No. 73 of the Public Acts of 1988, being section 803.225a of the Michigan Compiled Laws.

(b) Distributing blood specimen vials, mailing tubes, and labels and instructions for collecting samples.

(c) Storing and transmitting to the department the samples described in subdivision (a).

(d) The DNA identification or genetic marker profiling of samples described in subdivision (a).

(e) The development, in cooperation with the federal bureau of investigation and other appropriate persons, of a system of filing, cataloging, retrieving, and comparing DNA identification profiles and computerizing this system.

(f) Protecting the privacy interests of individuals whose samples are analyzed under this act.

Sec. 6. The department shall permanently retain a DNA identification profile of an individual obtained from a sample in the manner prescribed by the department under this act if that individual is convicted of or found responsible for a violation of section 91, 316, or 317 of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being sections 750.91, 750.316, and 750.317 of the Michigan Compiled Laws, or a violation or attempted violation of section 349, 520b, 520c, 520d, 520e, or 520g of Act No. 328 of the Public Acts of 1931, being sections 750.349, 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g of the Michigan Compiled Laws. Any other DNA identification profile obtained by the department shall not be permanently retained by the department but shall be retained only as long as it is needed for a criminal investigation or criminal prosecution.

Section 2. Section 5 of Act No. 250 of the Public Acts of 1990, being section 28.175 of the Michigan Compiled Laws, is repealed.

Section 3. This amendatory act shall take effect January 1, 1997.

Section 4. 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. 5913.

(b) House Bill No. 5914.

This act is ordered to take immediate effect.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.