

Act No. 509
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. Bush, Law, Ryan, Goschka, Profit, Bullard, Hill, Bodem, Cropsey, Kukuk, Voorhees, McManus, Rocca, Olshove, Porreca, Weeks, Walberg, London, Banks, Galloway, Jersevic and Perricone

ENROLLED HOUSE BILL No. 5913

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 amended by Act No. 164 of the Public Acts of 1994, 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 amended by Act No. 164 of the Public Acts of 1994, being section 791.233d of the Michigan Compiled Laws, is amended to read as follows:

Sec. 33d. (1) A prisoner serving a sentence for a violation of section 91, 316, or 317 of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being section 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, shall not be released on parole, placed in a community placement facility of any kind, including a community corrections center or a community residential home, or discharged upon completion of his or her maximum sentence until he or she has provided samples for chemical testing for DNA identification profiling or a determination of the sample's genetic markers and has provided samples for a determination of his or her secretor status. However, if at the time the prisoner is to be released, placed, or discharged the department of state police already has a sample from the prisoner 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.

(2) The 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.

(3) The department may collect a sample under this section regardless of whether the prisoner consents to the collection. The department is not required to give the prisoner an opportunity for a hearing or obtain a court order before collecting the sample.

(4) As used in this section, "sample" means a portion of a prisoner's blood, saliva, or tissue collected from the prisoner.

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. 5914.

This act is ordered to take immediate effect.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.