

Act No. 510
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. Ryan, Bush, Law, Goschka, Profit, Bullard, Hill, Bodem, Cropsey, Kukuk, Voorhees, McManus, Rocca, Olshove, Porreca, Weeks, Walberg, London, Bankes, Galloway, Jersevic and Perricone

ENROLLED HOUSE BILL No. 5914

AN ACT to amend section 520m of Act No. 328 of the Public Acts of 1931, entitled as amended "An act to revise, consolidate, codify and add to the statutes relating to crimes; to define crimes and prescribe the penalties therefor; to provide for restitution under certain circumstances; to provide for the competency of evidence at the trial of persons accused of crime; to provide immunity from prosecution for certain witnesses appearing at such trials; and to repeal certain acts and parts of acts inconsistent with or contravening any of the provisions of this act," as amended by Act No. 163 of the Public Acts of 1994, being section 750.520m of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Section 520m of Act No. 328 of the Public Acts of 1931, as amended by Act No. 163 of the Public Acts of 1994, being section 750.520m of the Michigan Compiled Laws, is amended to read as follows:

Sec. 520m. (1) A person convicted of 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 person is convicted the investigating law enforcement agency or the department of state police already has a sample from the person 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 person 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) An investigating law enforcement agency, prosecuting agency, or court that has in its possession a DNA identification profile obtained from a sample of a person convicted of an offense described in subsection (1) shall forward the DNA identification profile to the department of state police at or before the time of the person's sentencing upon that conviction unless the department of state police already has a DNA identification profile of the person.

(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 person is convicted.

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

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. 5913.

This act is ordered to take immediate effect.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.