

Act No. 511
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. Hill, Law, Bush, Ryan, Bodem, Rhead, Goschka, Rocca and McManus

Reps. Baade, Brackenridge, Byl, Crissman, Dalman, DeMars, Dolan, Gagliardi, Galloway, Gernaat, Gnodtke, Hammerstrom, Horton, Jellema, Jersevic, Johnson, Kukuk, Llewellyn, Lowe, McBryde, Middleton, Nye, Oxender, Palamara, Perricone, Porreca, Varga, Weeks and Yokich named co-sponsors

ENROLLED HOUSE BILL No. 6061

AN ACT to amend Act No. 73 of the Public Acts of 1988, entitled "An act to provide for certain responsibilities and duties of the department of social services and certain facilities, institutions, and agencies; and to provide for the preparation of certain reports pertaining to certain juveniles," as amended, being sections 803.221 to 803.228 of the Michigan Compiled Laws, by adding section 5a.

The People of the State of Michigan enact:

Section 1. Act No. 73 of the Public Acts of 1988, as amended, being sections 803.221 to 803.228 of the Michigan Compiled Laws, is amended by adding section 5a to read as follows:

Sec. 5a. (1) A juvenile 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, who is under the supervision of the family independence agency under section 18 of chapter XIIA of Act No. 288 of the Public Acts of 1939, being section 712A.18 of the Michigan Compiled Laws, shall not be placed in a community placement of any kind and shall not be discharged from wardship 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 juvenile is to be discharged from wardship, the department of state police already has a sample from the juvenile 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 juvenile 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 juvenile consents to the collection. The department is not required to give the juvenile 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 juvenile's blood, saliva, or tissue collected from the juvenile.

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. 5783.
- (b) House Bill No. 5912.
- (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.