



HOUSE BILL No. 5783

April 23, 1996, Introduced by Reps. Goschka, Kaza, Horton, Rocca, Hill, McBryde, Dalman, London, Crissman, McNutt, Cropsey, Pitoniak, Bush and Voorhees and referred to the Committee on Judiciary and Civil Rights.

A bill to amend chapter XIIIA 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 18f.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

5 CHAPTER XIIIA

6 SEC. 18F. (1) A JUVENILE FOUND RESPONSIBLE FOR A VIOLATION
7 OR AN ATTEMPTED VIOLATION OF SECTION 520B, 520C, 520D, 520E, OR
8 520G OF THE MICHIGAN PENAL CODE, ACT NO. 328 OF THE PUBLIC ACTS
9 OF 1931, BEING SECTIONS 750.520B, 750.520C, 750.520D, 750.520E,
10 AND 750.520G OF THE MICHIGAN COMPILED LAWS, SHALL PROVIDE SAMPLES
11 OF HIS OR HER BLOOD FOR CHEMICAL TESTING FOR DNA IDENTIFICATION
12 PROFILING OR A DETERMINATION OF THE BLOOD'S GENETIC MARKERS AND
13 SHALL PROVIDE SAMPLES OF HIS OR HER SALIVA FOR CHEMICAL TESTING
14 FOR A DETERMINATION OF THE SECRETOR STATUS OF THE SALIVA.
15 HOWEVER, IF AT THE TIME THE JUVENILE IS FOUND RESPONSIBLE FOR AN
16 OFFENSE DESCRIBED IN THIS SUBSECTION THE INVESTIGATING LAW
17 ENFORCEMENT AGENCY OR THE DEPARTMENT OF STATE POLICE ALREADY HAS
18 A SAMPLE OF THE JUVENILE'S BLOOD OR SALIVA THAT MEETS THE
19 REQUIREMENTS OF THE RULES PROMULGATED UNDER THE DNA IDENTIFICA-
20 TION PROFILING SYSTEM ACT, ACT NO. 250 OF THE PUBLIC ACTS OF
21 1990, BEING SECTIONS 28.171 TO 28.176 OF THE MICHIGAN COMPILED
22 LAWS, THE JUVENILE IS NOT REQUIRED TO PROVIDE ANOTHER SAMPLE OF
23 THE SAME BODY FLUID.

24 (2) THE INVESTIGATING LAW ENFORCEMENT AGENCY SHALL PROVIDE
25 FOR THE TAKING OF THE SAMPLES REQUIRED TO BE PROVIDED UNDER
26 SUBSECTION (1) IN A MEDICALLY APPROVED MANNER BY QUALIFIED

1 PERSONS USING BLOOD SPECIMEN VIALS AND OTHER SUPPLIES PROVIDED BY
2 THE DEPARTMENT OF STATE POLICE, AND SHALL FORWARD THOSE SAMPLES
3 AND ANY SAMPLES DESCRIBED IN SUBSECTION (1) THAT WERE ALREADY IN
4 THE AGENCY'S POSSESSION TO THE DEPARTMENT OF STATE POLICE. THE
5 TAKING AND FORWARDING OF BLOOD AND SALIVA SAMPLES SHALL BE DONE
6 IN THE MANNER REQUIRED UNDER THE RULES PROMULGATED UNDER THE DNA
7 IDENTIFICATION PROFILING SYSTEM ACT, ACT NO. 250 OF THE PUBLIC
8 ACTS OF 1990.

9 (3) AN INVESTIGATING LAW ENFORCEMENT AGENCY, PROSECUTING
10 AGENCY, OR COURT THAT HAS IN ITS POSSESSION A DNA IDENTIFICATION
11 PROFILE OBTAINED FROM A SAMPLE OF THE BLOOD, SALIVA, OR TISSUE OF
12 A JUVENILE FOUND RESPONSIBLE FOR AN OFFENSE DESCRIBED IN
13 SUBSECTION (1) SHALL FORWARD THE DNA IDENTIFICATION PROFILE TO
14 THE DEPARTMENT OF STATE POLICE UPON OR BEFORE ENTRY OF AN ORDER
15 OF DISPOSITION UNLESS THE DEPARTMENT OF STATE POLICE ALREADY HAS
16 A DNA IDENTIFICATION PROFILE OF THE JUVENILE.

17 (4) AS USED IN THIS SECTION:

18 (A) "DNA IDENTIFICATION PROFILE" AND "DNA IDENTIFICATION
19 PROFILING" MEAN THOSE TERMS AS DEFINED IN SECTION 2 OF THE DNA
20 IDENTIFICATION PROFILING SYSTEM ACT, ACT NO. 250 OF THE PUBLIC
21 ACTS OF 1990, BEING SECTION 28.172 OF THE MICHIGAN COMPILED
22 LAWS.

23 (B) "INVESTIGATING LAW ENFORCEMENT AGENCY" MEANS THE LAW
24 ENFORCEMENT AGENCY RESPONSIBLE FOR THE INVESTIGATION OF THE
25 OFFENSE FOR WHICH THE JUVENILE IS FOUND RESPONSIBLE.

1 Section 2. This amendatory act shall not take effect unless
2 all of the following bills of the 88th Legislature are enacted
3 into law:

4 (a) Senate Bill No. _____ or House Bill No. 5784 (request
5 no. 05773'95 a).

6 (b) Senate Bill No. _____ or House Bill No. 5796 (request
7 no. 05773'95 b).

8 (c) Senate Bill No. _____ or House Bill No. 5795 (request
9 no. 05773'95 c).