



HOUSE BILL No. 5784

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

A bill to amend sections 3, 5, and 6 of Act No. 250 of the Public Acts of 1990, entitled "DNA identification profiling system act," section 3 as amended by Act No. 166 of the Public Acts of 1994, being sections 28.173, 28.175, and 28.176 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 3, 5, and 6 of Act No. 250 of 1990,
2 section 3 as amended by Act No. 166 of the Public Acts of 1994,
3 being sections 28.173, 28.175, and 28.176 of the Michigan
4 Compiled Laws, are amended to read as follows:

5 Sec. 3. Not later than October 1, 1994, the department of
6 state police shall promulgate rules ~~pursuant to~~ UNDER the
7 administrative procedures act of 1969, Act No. 306 of the Public
8 Acts of 1969, being sections 24.201 to 24.328 of the Michigan

1 Compiled Laws, to implement this act, including, but not limited
2 to, rules governing all of the following:

3 (a) The method of collection of blood and saliva samples,
4 and the types and number of samples to be collected, by the
5 department of corrections from certain prisoners ~~pursuant to~~
6 UNDER section 33d of Act No. 232 of the Public Acts of 1953,
7 being section 791.233d of the Michigan Compiled Laws, OR BY THE
8 DEPARTMENT OF SOCIAL SERVICES FROM CERTAIN JUVENILES UNDER SEC-
9 TION 5A OF THE JUVENILE FACILITIES ACT, ACT NO. 73 OF THE PUBLIC
10 ACTS OF 1988, BEING SECTION 803.225A OF THE MICHIGAN COMPILED
11 LAWS, OR SECTION 7A OF THE YOUTH REHABILITATION SERVICES ACT, ACT
12 NO. 150 OF THE PUBLIC ACTS OF 1974, BEING SECTION 803.227A OF THE
13 MICHIGAN COMPILED LAWS, and by law enforcement agencies from cer-
14 tain convicted offenders ~~pursuant to~~ UNDER section 520m of the
15 Michigan penal code, Act No. 328 of the Public Acts of 1931,
16 being section 750.520m of the Michigan Compiled Laws, OR FROM
17 CERTAIN ADJUDICATED OFFENDERS UNDER SECTION 18F OF CHAPTER XIIA
18 OF ACT NO. 288 OF THE PUBLIC ACTS OF 1939, BEING SECTION 712A.18F
19 OF THE MICHIGAN COMPILED LAWS. The rules shall provide for the
20 taking of blood and saliva samples in a medically approved manner
21 by qualified persons.

22 (b) The distribution of blood specimen vials, mailing tubes,
23 and labels and of instructions for the collection of blood and
24 saliva samples.

25 (c) The storage and transmission to the department of state
26 police of the blood and saliva samples described in subdivision
27 (a).

1 (d) The DNA identification or genetic marker profiling of
2 the blood and saliva samples described in subdivision (a) and of
3 other blood, saliva, or tissue samples submitted to the depart-
4 ment of state police.

5 (e) The development, in cooperation with the federal bureau
6 of investigation and other appropriate persons, of a system of
7 filing, cataloging, retrieval, and comparison of DNA identifica-
8 tion profiles, and the computerization of this system.

9 (f) The protection of the privacy interests of individuals
10 whose blood, saliva, or tissue samples are analyzed pursuant to
11 this act.

12 Sec. 5. The governor shall appoint with the advice and con-
13 sent of the senate, a DNA advisory committee consisting of law
14 enforcement officials, forensic scientists, defense attorneys,
15 and members of the judiciary. The DNA advisory committee shall
16 advise the legislature concerning all of the following:

17 (a) Effective coordination of the rules and regulations gov-
18 erning forensic DNA laboratories with law enforcement agencies,
19 courts, prosecutors, and defense counsel.

20 (b) Recommendations to ensure that reliable forensic DNA
21 testing by governmental laboratories be made available to law
22 enforcement agencies, prosecutors, and counsel for indigent
23 defendants in criminal or civil proceedings.

24 (c) Regulations that protect the privacy rights of an indi-
25 vidual who has a blood or saliva sample collected by the depart-
26 ment of corrections under section 33d of Act No. 232 of the
27 Public Acts of 1953, being section 791.233d of the Michigan

1 Compiled Laws, OR BY THE DEPARTMENT OF SOCIAL SERVICES FROM
2 CERTAIN JUVENILES UNDER SECTION 5A OF THE JUVENILE FACILITIES
3 ACT, ACT NO. 73 OF THE PUBLIC ACTS OF 1988, BEING SECTION
4 803.225A OF THE MICHIGAN COMPILED LAWS, OR SECTION 7A OF THE
5 YOUTH REHABILITATION SERVICES ACT, ACT NO. 150 OF THE PUBLIC ACTS
6 OF 1974, BEING SECTION 803.227A OF THE MICHIGAN COMPILED LAWS, or
7 by a law enforcement agency under section 520m of the Michigan
8 penal code, Act No. 328 of the Public Acts of 1931, being
9 section 750.520m of the Michigan Compiled Laws, OR UNDER SECTION
10 18F OF CHAPTER XIIIA OF ACT NO. 288 OF THE PUBLIC ACTS OF 1939,
11 BEING SECTION 712A.18F OF THE MICHIGAN COMPILED LAWS.

12 (d) Recommendations of provisions for each forensic DNA lab-
13 oratory to have external and internal proficiency testing systems
14 to test its methodologies and procedures regularly.

15 Sec. 6. The department of state police shall permanently
16 retain a DNA identification profile obtained in the manner pre-
17 scribed by the department pursuant to this act from a sample
18 described in section 5. A DNA identification profile obtained
19 from the analysis of an individual's blood, saliva, or tissue in
20 the course of a criminal investigation or criminal prosecution,
21 that is in the possession of or forwarded to the department of
22 state police, shall be permanently retained by the department if
23 that individual is convicted of OR FOUND RESPONSIBLE FOR a viola-
24 tion or an attempted violation of section 520b, 520c, 520d, 520e,
25 520f, or 520g of the Michigan penal code, Act No. 328 of the
26 Public Acts of 1931, being sections 750.520b, 750.520c, 750.520d,
27 750.520e, 750.520f, and 750.520g of the Michigan Compiled Laws.

1 Any other DNA identification profile obtained by the department
2 shall not be permanently retained by the department but shall be
3 retained only as long as it is needed for ~~a criminal investiga-~~
4 ~~tion or criminal prosecution~~ INVESTIGATING A CRIME OR PROSECUT-
5 ING AN INDIVIDUAL FOR COMMITTING A CRIME.

6 Section 2. This amendatory act shall not take effect unless
7 Senate Bill No. _____ or House Bill No. 5783 (request
8 no. 05773'95) of the 88th Legislature is enacted into law.