



HOUSE BILL No. 5913

May 29, 1996, Introduced by Reps. Bush, Law, Ryan, Goschka, Profit, Bullard, Hill, Bodem, Cropsey, Kukuk, Voorhees, McManus, Rocca, Olshove, Porreca, Weeks, Walberg, London, Bankes, Galloway, Jersevic and Perricone and referred to the Committee on Judiciary and Civil Rights.

A bill 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:

1 Section 1. Section 33d of Act No. 232 of the Public Acts of
2 1953, as amended by Act No. 164 of the Public Acts of 1994, being
3 section 791.233d of the Michigan Compiled Laws, is amended to
4 read as follows:

5 Sec. 33d. (1) A prisoner serving a sentence for a
6 ~~violation or an attempted violation of section 520b, 520c, 520d,~~
7 ~~520e, or 520g of the Michigan penal code, Act No. 328 of the~~
8 ~~Public Acts of 1931, being sections 750.520b, 750.520c, 750.520d,~~
9 ~~750.520e, and 750.520g of the Michigan Compiled Laws, SEXUAL~~
10 OFFENSE shall not be released ~~on parole~~ until he or she has
11 provided ~~blood~~ samples for chemical testing for DNA identifica-
12 tion profiling or a determination of the ~~blood's~~ SAMPLE'S gene-
13 tic markers and has provided samples ~~of his or her saliva for~~
14 ~~chemical testing to determine the~~ FOR A DETERMINATION OF HIS OR
15 HER secretor status. ~~of the saliva.~~ However, if at the time the
16 prisoner is to be released the department of state police already
17 has a sample ~~of the prisoner's blood or saliva~~ FROM THE
18 PRISONER that meets the requirements of the rules promulgated
19 under the DNA identification profiling system act, Act No. 250 of
20 the Public Acts of 1990, being sections 28.171 to 28.176 of the
21 Michigan Compiled Laws, the prisoner is not required to provide
22 another sample. ~~of the same body fluid.~~

23 (2) The ~~blood or saliva~~ samples required to be collected
24 under this section shall be collected by the department and
25 transmitted by the department to the department of state police
26 in the manner prescribed by rules promulgated under the DNA

1 identification profiling system act, Act No. 250 of the Public
2 Acts of 1990.

3 (3) AS USED IN THIS SECTION:

4 (A) "SAMPLE" MEANS A PORTION OF A PRISONER'S BLOOD, SALIVA,
5 OR TISSUE COLLECTED FROM THE PRISONER.

6 (B) "SEXUAL OFFENSE" MEANS A VIOLATION OR ATTEMPTED VIOLA-
7 TION OF 1 OR MORE OF THE FOLLOWING:

8 (i) SECTION 520B, 520C, 520D, 520E, OR 520G OF THE MICHIGAN
9 PENAL CODE, ACT NO. 328 OF THE PUBLIC ACTS OF 1931, BEING SEC-
10 TIONS 750.520B, 750.520C, 750.520D, 750.520E, AND 750.520G OF THE
11 MICHIGAN COMPILED LAWS.

12 (ii) SECTION 91, 316, 317, 321, OR 349 OF ACT NO. 328 OF THE
13 PUBLIC ACTS OF 1931, BEING SECTION 750.91, 750.316, 750.317,
14 750.321, AND 750.349 OF THE MICHIGAN COMPILED LAWS, IF IN THE
15 SAME TRANSACTION AS THE VIOLATION OR ATTEMPTED VIOLATION THE
16 INDIVIDUAL COMMITTED 1 OR MORE ACTS THAT WOULD CONSTITUTE A VIO-
17 LATION OR ATTEMPTED VIOLATION DESCRIBED IN SUBDIVISION (A) BUT
18 FOR WHICH THE INDIVIDUAL WAS NOT CONVICTED OR COMMITTED 1 OR MORE
19 ACTS THAT CAN REASONABLY BE CONSTRUED AS BEING SEXUALLY MOTIVATED
20 OR FOR SEXUAL AROUSAL OR GRATIFICATION.

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

24 (a) Senate Bill No. _____ or House Bill No. 5912
25 (request no. 07171'96).

26 (b) Senate Bill No. _____ or House Bill No. 5914
27 (request no. 07171'96 b).