



# HOUSE BILL No. 5914

May 29, 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 and referred to the Committee on Judiciary and Civil Rights.

A bill to amend section 520m of Act No. 328 of the Public Acts of 1931, entitled as amended

"The Michigan penal code,"

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:

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

5 Sec. 520m. (1) A person convicted of a ~~violation or an~~  
6 ~~attempted violation of section 520b, 520c, 520d, 520e, or 520g~~  
7 SEXUAL OFFENSE shall provide samples ~~of his or her blood~~ for  
8 chemical testing for DNA identification profiling or a  
9 determination of the ~~blood's~~ SAMPLE'S genetic markers and shall

1 provide samples ~~of his or her saliva~~ for chemical testing for a  
2 determination of ~~the~~ HIS OR HER secretor status. ~~of the~~  
3 ~~saliva.~~ However, if at the time the person is convicted the  
4 investigating law enforcement agency or the department of state  
5 police already has a sample ~~of the person's blood or saliva~~  
6 FROM THE PERSON that meets the requirements of the rules promul-  
7 gated under the DNA identification profiling system act, Act  
8 No. 250 of the Public Acts of 1990, being sections 28.171 to  
9 28.176 of the Michigan Compiled Laws, the person is not required  
10 to provide another sample. ~~of the same body fluid.~~

11 (2) The investigating law enforcement agency shall provide  
12 for ~~the taking of~~ COLLECTING the samples required to be pro-  
13 vided under subsection (1) in a medically approved manner by  
14 qualified persons using ~~blood specimen vials and other~~ supplies  
15 provided by the department of state police ~~—~~ and shall forward  
16 those samples and any samples described in subsection (1) that  
17 were already in the agency's possession to the department of  
18 state police. The ~~taking~~ COLLECTING and forwarding of ~~blood~~  
19 ~~and saliva~~ samples shall be done in the manner required under  
20 the rules promulgated ~~pursuant to~~ UNDER the DNA identification  
21 profiling system act, Act No. 250 of the Public Acts of 1990.

22 (3) An investigating law enforcement agency, prosecuting  
23 agency, or court that has in its possession a DNA identification  
24 profile obtained from a sample of ~~the blood, saliva, or tissue~~  
25 ~~of~~ a person convicted of ~~an~~ A SEXUAL offense ~~described in~~  
26 ~~subsection (1)~~ shall forward the DNA identification profile to  
27 the department of state police at or before the time of THE

1 PERSON'S sentencing ~~of the person~~ upon that conviction unless  
2 the department of state police already has a DNA identification  
3 profile of the person.

4 (4) As used in this section:

5 (a) "DNA identification profile" and "DNA identification  
6 profiling" mean those terms as defined in section 2 of the DNA  
7 identification profiling system act, Act No. 250 of the Public  
8 Acts of 1990, being section 28.172 of the Michigan Compiled  
9 Laws.

10 (b) "Investigating law enforcement agency" means the law  
11 enforcement agency responsible for the investigation of the  
12 offense for which the person is convicted.

13 (C) "SAMPLE" MEANS A PORTION OF A PERSON'S BLOOD, SALIVA, OR  
14 TISSUE COLLECTED FROM THE PERSON.

15 (D) "SEXUAL OFFENSE" MEANS A VIOLATION OR ATTEMPTED VIOLA-  
16 TION OF 1 OR MORE OF THE FOLLOWING:

17 (A) SECTION 520B, 520C, 520D, 520E, OR 520G.

18 (B) SECTION 91, 316, 317, 321, OR 349 IF IN THE SAME TRANS-  
19 ACTION AS THE VIOLATION OR ATTEMPTED VIOLATION THE INDIVIDUAL  
20 COMMITTED 1 OR MORE ACTS THAT WOULD CONSTITUTE A VIOLATION OR  
21 ATTEMPTED VIOLATION DESCRIBED IN SUBDIVISION (A) BUT FOR WHICH  
22 THE INDIVIDUAL WAS NOT CONVICTED OR COMMITTED 1 OR MORE ACTS THAT  
23 CAN REASONABLY BE CONSTRUED AS BEING SEXUALLY MOTIVATED OR FOR  
24 SEXUAL AROUSAL OR GRATIFICATION.

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

1 (a) Senate Bill No. \_\_\_\_\_ or House Bill No. 5912  
2 (request no. 07171'96).

3 (b) Senate Bill No. \_\_\_\_\_ or House Bill No. 5913  
4 (request no. 07171'96 a).