

REPRINT
SUBSTITUTE FOR
HOUSE BILL NO. 5059
(As passed the House, April 2, 1998)

A bill to amend 1994 PA 35, entitled
"The forensic laboratory funding act,"
by amending the title and sections 2 and 6 (MCL 12.202 and
12.206); and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

TITLE

2

An act to create the state forensic laboratory fund; to

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authorize local forensic laboratory funds; to provide for assess-

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ments against certain criminal defendants; to provide for expen-

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ditures from the forensic laboratories funds; to make certain

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appropriations; AND to prescribe the powers and duties of certain

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departments and agencies and local units of government. ~~and to~~

8

~~repeal this act on a specific date.~~

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Sec. 2. As used in this act:

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2

1 (a) "CSC offense" means a violation or attempted violation
2 of section 520b, 520c, 520d, 520e, or 520g of the Michigan penal
3 code, ~~Act No. 328 of the Public Acts of 1931, being sections~~
4 ~~750.520b, 750.520c, 750.520d, 750.520e, and 750.520g of the~~
5 ~~Michigan Compiled Laws~~ 1931 PA 328, MCL 750.520B, 750.520C,
6 750.520D, 750.520E, AND 750.520G.

7 (b) "Forensic laboratory" means a laboratory maintained by
8 the department of state police or a municipality that meets all
9 of the following criteria:

10 (i) Has at least 1 regularly employed forensic scientist who
11 conducts analyses of controlled substances or androgenic anabolic
12 steroids for criminal justice agencies in criminal matters, and
13 provides testimony with respect to those analyses.

14 (ii) Is registered as an analytical laboratory with the drug
15 enforcement administration of the United States department of
16 justice for possessing all scheduled controlled substances.

17 (iii) Has at least 1 regularly employed forensic scientist
18 who conducts forensic tests other than those described in sub-
19 paragraph (i) and provides testimony with respect to those foren-
20 sic tests.

21 (c) "Forensic test" means a drug analysis, toxicology analy-
22 sis, or other forensic analysis or examination in areas includ-
23 ing, but not limited to, latent prints, microchemistry, serology,
24 firearms, toolmarks, or questioned documents. Forensic test does
25 not include an analysis of the alcohol content of an individual's
26 breath.

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3

1 (d) "Municipality" means a county, township, city, or
2 village.

3 Sec. 6. (1) The court shall order each person convicted of
4 1 or more crimes in the case to pay an assessment of \$150.00 if 1
5 or more of the following apply:

6 (a) The court is notified pursuant to section 5 that a
7 forensic laboratory has conducted a forensic test in the investi-
8 gation of the case.

9 (b) The person is convicted of a CSC offense.

10 (2) The assessment required under subsection (1) is in addi-
11 tion to any fine, costs, or other assessments imposed by the
12 court. An assessment required under subsection (1) shall be
13 ordered upon the record, and shall be listed separately in the
14 judgment of sentence or order of probation.

15 (3) ~~Upon~~ AFTER REVIEWING A verified petition by the
16 defendant against whom an assessment is imposed, the court may
17 suspend payment of all or part of the assessment if it determines
18 the defendant is unable to pay the assessment.

19 (4) The court, PROSECUTING ATTORNEY, AND **ORIGINATING**
20 INVESTIGATING LAW ENFORCEMENT AGENCY may EACH retain 5% of all assessments or por-
21 tions of assessments collected for costs incurred pursuant to
22 this section and shall transmit that money to ~~the court's~~ THEIR
23 RESPECTIVE funding ~~unit~~ UNITS. On the last day of each month,
24 the clerk of the court shall transmit the remainder of assess-
25 ments or portions of assessments collected under this section to
26 the department of treasury for deposit in the state forensic
27 laboratory fund created in section 3.

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1 Enacting section 1. Section 12 of the forensic laboratory
2 funding act, 1994 PA 35, MCL 12.212, is repealed.