

HOUSE BILL No. 5340

October 30, 1997, Introduced by Reps. Law, Palamara, Leland, Hale and Kelly and referred to the Committee on Appropriations.

A bill to amend 1990 PA 250, entitled
"DNA identification profiling system act,"
by amending the title and section 3 (MCL 28.173), as amended by
1996 PA 508.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

TITLE

2

An act to provide for a DNA identification profiling system;

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to provide for the collection of samples from certain prisoners,

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convicted offenders, and juvenile offenders and the analysis of

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those samples; and to prescribe the powers and duties of certain

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state departments AND COUNTY AGENCIES.

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Sec. 3. The department shall promulgate rules under the

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administrative procedures act of 1969, ~~Act No. 306 of the Public~~

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~~Acts of 1969, being sections 24.201 to 24.328 of the Michigan~~

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~~Compiled Laws~~ 1969 PA 306, MCL 24.201 TO 24.328, to implement

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

3 (a) The method of collecting samples in a medically approved
4 manner by qualified persons and the types and number of samples
5 to be collected by the following:

6 (i) The department of corrections from certain prisoners
7 under section 33d of ~~Act No. 232 of the Public Acts of 1953,~~
8 ~~being section 791.233d of the Michigan Compiled Laws~~ 1953
9 PA 232, MCL 791.233D.

10 (ii) Law enforcement agencies from certain convicted offend-
11 ers under section 520m of the Michigan penal code, ~~Act No. 328~~
12 ~~of the Public Acts of 1931, being section 750.520m of the~~
13 ~~Michigan Compiled Laws~~ 1931 PA 328, MCL 750.520M, or certain
14 juveniles under section 18k of chapter XIIIA of ~~Act No. 288 of~~
15 ~~the Public Acts of 1939, being section 712A.18k of the Michigan~~
16 ~~Compiled Laws~~ 1939 PA 288, MCL 712A.18K.

17 (iii) The family independence agency OR A COUNTY JUVENILE
18 AGENCY, AS APPLICABLE, from certain juveniles under section 7a of
19 the youth rehabilitation services act, ~~Act No. 150 of the Public~~
20 ~~Acts of 1974, being section 803.307a of the Michigan Compiled~~
21 ~~Laws~~ 1974 PA 150, MCL 803.307A, or section 5a of the juvenile
22 facilities act, ~~Act No. 73 of the Public Acts of 1988, being~~
23 ~~section 803.225a of the Michigan Compiled Laws~~ 1988 PA 73,
24 MCL 803.225A. AS USED IN THIS SUBPARAGRAPH, "COUNTY JUVENILE
25 AGENCY" MEANS THAT TERM AS DEFINED IN SECTION 2 OF THE COUNTY
26 JUVENILE AGENCY ACT.

1 (b) Distributing blood specimen vials, mailing tubes, and
2 labels and instructions for collecting samples.

3 (c) Storing and transmitting to the department the samples
4 described in subdivision (a).

5 (d) The DNA identification or genetic marker profiling of
6 samples described in subdivision (a).

7 (e) The development, in cooperation with the federal bureau
8 of investigation and other appropriate persons, of a system of
9 filing, cataloging, retrieving, and comparing DNA identification
10 profiles and computerizing this system.

11 (f) Protecting the privacy interests of individuals whose
12 samples are analyzed under this act.

13 Enacting section 1. This amendatory act does not take
14 effect unless the United States department of health and human
15 services grants part 3 of the family independence agency's waiver
16 filed under the child welfare demonstration project to permit a
17 transfer of title IV-E funding from the state to 1 or more coun-
18 ties and the family independence agency files with the secretary
19 of state a certification that the necessary waiver was granted.

20 Enacting section 2. This amendatory act does not take
21 effect unless all of the following bills of the 89th Legislature
22 are enacted into law:

23 (a) Senate Bill No. _____ or House Bill No. _____
24 (request no. 03597'97 *).

25 (b) Senate Bill No. _____ or House Bill No. _____
26 (request no. 03598'97 *).

- 1 (c) Senate Bill No. _____ or House Bill No. _____
- 2 (request no. 03598'97 a *).
- 3 (d) Senate Bill No. _____ or House Bill No. _____
- 4 (request no. 03598'97 b *).
- 5 (e) Senate Bill No. _____ or House Bill No. _____
- 6 (request no. 03599'97 *).
- 7 (f) Senate Bill No. _____ or House Bill No. _____
- 8 (request no. 03644'97 *).
- 9 (g) Senate Bill No. _____ or House Bill No. _____
- 10 (request no. 03917'97 *).