

**SENATE BILL NO. 594**

May 11, 1999, Introduced by Senators ROGERS, GOUGEON, SCHWARZ, GOSCHKA, HAMMERSTROM, JOHNSON, SHUGARS, SIKKEMA and MC COTTER and referred to the Committee on Health Policy.

A bill to amend 1990 PA 250, entitled "DNA identification profiling system act," by amending section 6 (MCL 28.176), as amended by 1996 PA 508.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 6. (1) The department shall permanently retain a DNA  
2 identification profile of an individual obtained from a sample in  
3 the manner prescribed by the department under this act if that  
4 individual is convicted of or found responsible for a violation  
5 of section 91, 316, or 317 of the Michigan penal code, ~~Act~~  
6 ~~No. 328 of the Public Acts of 1931, being sections 750.91,~~  
7 ~~750.316, and 750.317 of the Michigan Compiled Laws~~ 1931 PA 328,  
8 MCL 750.91, 750.316, AND 750.317, or a violation or attempted  
9 violation of section 349, 520b, 520c, 520d, 520e, or 520g of ~~Act~~  
10 ~~No. 328 of the Public Acts of 1931, being sections 750.349,~~  
11 ~~750.520b, 750.520c, 750.520d, 750.520e, and 750.520g of the~~

~~1 Michigan Compiled Laws~~ THE MICHIGAN PENAL CODE, 1931 PA 328, MCL  
2 750.349, 750.520B, 750.520C, 750.520D, 750.520E, AND 750.520G.

3 Any other DNA identification profile obtained by the department  
4 shall not be permanently retained by the department but shall be  
5 retained only as long as it is needed for a criminal investiga-  
6 tion or criminal prosecution.

7 (2) IF THE STATE POLICE FORENSIC LABORATORY DETERMINES AFTER  
8 ANALYSIS THAT A SAMPLE HAS BEEN SUBMITTED BY AN INDIVIDUAL WHO  
9 HAS BEEN ELIMINATED AS A SUSPECT IN A CRIME, THE LABORATORY SHALL  
10 DISPOSE OF THE SAMPLE AND THE DNA IDENTIFICATION PROFILE RECORD  
11 IN THE FOLLOWING MANNER:

12 (A) THE LABORATORY SHALL DISPOSE OF THE SAMPLE IN COMPLIANCE  
13 WITH SECTION 13811 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL  
14 333.13811.

15 (B) THE LABORATORY SHALL DISPOSE OF THE SAMPLE AND THE DNA  
16 IDENTIFICATION PROFILE RECORD IN THE PRESENCE OF A WITNESS.

17 (3) AFTER DISPOSAL IN ACCORDANCE WITH SUBSECTION (2), THE  
18 LABORATORY SHALL MAKE AND KEEP A WRITTEN RECORD OF THE DISPOSAL,  
19 SIGNED BY THE INDIVIDUAL WHO WITNESSED THE DISPOSAL.