



**House
Legislative
Analysis
Section**

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EXPAND DNA PROFILE DATABASE

House Bill 4610

Sponsor: Rep. Jennifer Faunce

House Bill 4611

Sponsor: Rep. Larry Julian

House Bill 4612

Sponsor: Rep. Mike Kowall

House Bill 4613

Sponsor: Rep. Thomas M. George

House Bill 4614

Sponsor: Rep. Jerry O. Kooiman

House Bill 4633

Sponsor: Rep. William O'Neil

Committee: Criminal Justice

Complete to 5-7-01

House Bills 4610-4614 and 4633 (5-7-01)

A SUMMARY OF HOUSE BILLS 4610-4614 AS INTRODUCED 4-18-01 AND HOUSE BILL 4633 AS INTRODUCED 4-19-01

The bill package would amend various acts to require that DNA samples be obtained from a person convicted of or found responsible for a violation or attempted violation of any state law that was a felony or would be a felony if committed by an adult, and for a violation or attempted violation of criminal sexual conduct in the fourth degree (which is a misdemeanor). The Department of State Police (DSP) would have to permanently retain those DNA profiles. Currently, the requirements to collect and retain samples only apply to people convicted of certain specified crimes. The bills are tie-barred to each other. Specifically, the bills would do the following:

House Bill 4610 would amend the DNA Identification Profiling System Act (MCL 28.176). Currently, the act requires the Department of State Police to obtain and retain a DNA identification profile of an individual convicted of or found responsible for attempted murder (MCL 750.91); first-degree murder (MCL 750.316); second-degree murder (MCL 750.317); kidnapping (MCL 750.349); first-, second-, third-, or fourth-degree criminal sexual conduct (CSC) (MCL 750.520b-750.520e); or assault with intent to commit CSC (MCL 750.520g). Instead, the bill would require DNA samples to be obtained from and the DNA profile to be retained permanently for a person convicted of or found responsible for a violation or attempted violation of a state law that was a felony or would be a felony if committed by an adult, or for a violation or attempted violation of criminal sexual conduct in the fourth degree.

House Bill 4611 would amend the chapter of the Probate Code known as the juvenile code (MCL 712A.18k). Currently, the code requires an individual convicted of or found responsible for attempted murder; first-degree murder; second-degree murder; kidnapping; first-, second-, third-, or fourth-degree CSC; or assault with intent to commit CSC, to provide samples for chemical testing for DNA identification profiling or a determination of the sample's genetic markers and for a determination of the person's secretor status. Under the bill, the requirement would apply to a person convicted of or found responsible for a violation or attempted violation of a state law that was a felony or would be a felony if committed by an adult, or for a violation or attempted violation of criminal sexual conduct in the fourth degree. (The juvenile code requires the investigating law enforcement agency to provide for collecting the samples in a medically approved manner by qualified persons using supplies provided by the DSP, and requires the samples to be collected and forwarded to the DSP as required under the rules promulgated under the DNA Identification Profiling System Act.)

House Bill 4612 would amend Public Act 232 of 1953, known as the Department of Corrections act (MCL 791.233d). Currently, the act prohibits the release of a prisoner on parole, for community placement, or for discharge until the prisoner provides samples for chemical testing for DNA identification profiling or a determination of the sample's genetic markers and for the determination of his or her secretor status, if the prisoner is serving a sentence for attempted murder; first-degree murder; second-degree murder; kidnapping; first-, second-, third-, or fourth-degree CSC; or assault with intent to commit CSC. Under the bill, that prohibition would apply to any prisoner convicted of or found responsible for a violation or attempted violation of a state law that was a felony, or for a violation or attempted violation of criminal sexual conduct in the fourth degree. (The DOC law requires the department to collect the samples and transmit them to the Department of State Police as prescribed by rules promulgated under the DNA Identification Profiling System Act.)

House Bill 4613 would amend the Michigan Penal Code (750.520m). Currently, the code requires a person convicted of or found responsible for attempted murder; first-degree murder; second-degree murder; kidnapping; first-, second-, third-, or fourth-degree CSC; or assault with intent to commit CSC, to provide samples for chemical testing for DNA identification profiling or a determination of the sample's genetic markers and for a determination of the person's secretor status. The bill would expand this provision to apply to a person convicted of or found responsible for a violation or attempted violation of a state law that was a felony or would be a felony if committed by an adult, or for a violation or attempted violation of criminal sexual conduct in the fourth degree. (The code requires the investigating law enforcement agency to provide for collecting the samples in a medically approved manner by qualified persons using supplies provided by the DSP, and requires the samples to be collected and forwarded to the DSP as required under the DNA Identification Profiling System Act.)

House Bill 4614 would amend the Juvenile Facilities Act (MCL 803.225a). The act currently provides that a juvenile convicted of or found responsible for attempted murder; first-degree murder; second-degree murder; kidnapping; first-, second-, third-, or fourth-degree CSC; or assault with intent to commit CSC who is under the supervision of the Family Independence Agency (FIA) or a county juvenile agency, may not be placed in community placement or discharged from wardship until he or she has provided samples for chemical testing for DNA

identification profiling or a determination of the sample's genetic markers and for a determination of the juvenile's secretor status. Under the bill, this provision would apply to a juvenile convicted of or found responsible for a violation or attempted violation of a state law that was a felony or would be a felony if committed by an adult, or for a violation or attempted violation of criminal sexual conduct in the fourth degree. (The act requires the FIA or county juvenile agency, as applicable, to collect the samples and transmit them to the DSP as required under the DNA Identification Profiling System Act.)

House Bill 4633 would amend the Youth Rehabilitation Services Act (MCL 803.307a). Currently, the act provides that a public ward under a youth agency's jurisdiction for attempted murder; first-degree murder; second-degree murder; kidnapping; first-, second-, third-, or fourth-degree CSC; or assault with intent to commit CSC may not be placed in community placement or discharged from wardship until he or she has provided samples for chemical testing for DNA identification profiling or a determination of the sample's genetic markers and for a determination of the ward's secretor status. The bill would expand this requirement to include a public ward who was convicted of or found responsible for a violation or attempted violation of a state law that was a felony or would be a felony if committed by an adult, or for a violation or attempted violation of criminal sexual conduct in the fourth degree. (The act requires the youth agency to collect the samples and transmit them to the DSP as prescribed by rules promulgated under the DNA Identification Profiling System Act.)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.