

SUBSTITUTE FOR  
HOUSE BILL NO. 4614

A bill to amend 1988 PA 73, entitled  
"The juvenile facilities act,"  
by amending section 5a (MCL 803.225a), as amended by 1998 PA  
521.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 5a. (1) A juvenile ~~convicted of or found responsible~~  
2 ~~for a violation of section 91, 316, or 317 of the Michigan penal~~  
3 ~~code, 1931 PA 328, MCL 750.91, 750.316, and 750.317, or a viola-~~  
4 ~~tion or attempted violation of section 349, 520b, 520c, 520d,~~  
5 ~~520e, or 520g of the Michigan penal code, 1931 PA 328, MCL~~  
6 ~~750.349, 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g,~~  
7 who is under the supervision of the department or a county juve-  
8 nile agency under section 18 of chapter XIIIA of THE PROBATE CODE  
9 OF 1939, 1939 PA 288, MCL 712A.18, shall not be placed in a  
10 community placement of any kind and shall not be discharged from

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1 wardship until he or she has provided samples for chemical  
2 testing for DNA identification profiling or a determination of  
3 the sample's genetic markers and has provided samples for a  
4 determination of his or her secretor status ~~— However, if, at~~  
5 ~~the time the juvenile is to be discharged from wardship, the~~  
6 ~~department of state police already has a sample from the juvenile~~  
7 ~~that meets the requirements of the rules promulgated under the~~  
8 ~~DNA identification profiling system act, 1990 PA 250, MCL 28.171~~  
9 ~~to 28.176, the juvenile is not required to provide another~~  
10 ~~sample.~~ IF ANY OF THE FOLLOWING APPLY:

11 (A) THE JUVENILE HAS BEEN FOUND RESPONSIBLE FOR A VIOLATION  
12 OF SECTION 83, 91, 316, 317, OR 321 OF THE MICHIGAN PENAL CODE,  
13 1931 PA 328, MCL 750.83, 750.91, 750.316, 750.317, AND 750.321,  
14 OR A VIOLATION OR ATTEMPTED VIOLATION OF SECTION 349, 520B, 520C,  
15 520D, 520E, OR 520G OF THE MICHIGAN PENAL CODE, 1931 PA 328,  
16 MCL 750.349, 750.520B, 750.520C, 750.520D, 750.520E, AND  
17 750.520G, OR A VIOLATION OF SECTION 167(C), (F), OR (I), [ ]  
18 335A, 451, OR 520E OF THE MICHIGAN PENAL CODE, 1931 PA 328,  
19 MCL 750.167, [ ] 750.335A, 750.451 (FIRST OR SECOND  
20 OFFENSE), AND 750.520E, OR A LOCAL ORDINANCE SUBSTANTIALLY SIMI-  
21 LAR TO SECTION 167(C), (F), OR (I), [ ] 335A, 451, OR 520E OF  
22 THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.167, [ ]  
23 750.335A, 750.451 (FIRST OR SECOND OFFENSE), AND 750.520E.

24 (B) THE JUVENILE HAS BEEN CONVICTED OF A FELONY OR ATTEMPTED  
25 FELONY, OR ANY OF THE FOLLOWING MISDEMEANORS, OR LOCAL ORDINANCES  
26 THAT ARE SUBSTANTIALLY SIMILAR TO THE FOLLOWING MISDEMEANORS:

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1 (i) A VIOLATION OF SECTION 145A OF THE MICHIGAN PENAL CODE,  
2 1931 PA 328, MCL 750.145A, ENTICING A CHILD FOR IMMORAL  
3 PURPOSES.

4 (ii) A VIOLATION OF SECTION 167(C), (F), OR (I) OF THE  
5 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.167, DISORDERLY PERSON  
6 BY WINDOW PEEPING, ENGAGING IN INDECENT OR OBSCENE CONDUCT IN  
7 PUBLIC, OR LOITERING IN A HOUSE OF ILL FAME OR PROSTITUTION.

8 [

9

10 ]

11 [(iii)] A VIOLATION OF SECTION 335A OF THE MICHIGAN PENAL CODE,  
12 1931 PA 328, MCL 750.335A, INDECENT EXPOSURE.

13 [(iv)] A VIOLATION OF SECTION 451 OF THE MICHIGAN PENAL CODE,  
14 1931 PA 328, MCL 750.451, FIRST AND SECOND PROSTITUTION  
15 VIOLATIONS.

16 [(v)] A VIOLATION OF SECTION 454 OF THE MICHIGAN PENAL CODE,  
17 1931 PA 328, MCL 750.454, LEASING A HOUSE FOR PURPOSES OF  
18 PROSTITUTION.

19 [(vi)] A VIOLATION OF SECTION 462 OF THE MICHIGAN PENAL CODE,  
20 1931 PA 328, MCL 750.462, FEMALE UNDER THE AGE OF 17 IN A HOUSE  
21 OF PROSTITUTION.

22 [(vii)] A VIOLATION OF SECTION 520E OF THE MICHIGAN PENAL  
23 CODE, 1931 PA 328, MCL 750.520E, CRIMINAL SEXUAL CONDUCT IN THE  
24 FOURTH DEGREE.

25 (2) The samples required to be collected under this section  
26 shall be collected by the department or county juvenile agency,  
27 as applicable, and transmitted by the department or county

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1 juvenile agency to the department of state police in the manner  
2 prescribed by rules promulgated under the DNA identification pro-  
3 filing system act, 1990 PA 250, MCL 28.171 to 28.176.

4 (3) The department or county juvenile agency may collect a  
5 sample under this section regardless of whether the juvenile con-  
6 sents to the collection. The department or county juvenile  
7 agency is not required to give the juvenile an opportunity for a  
8 hearing or obtain a court order before collecting the sample.

9 (4) THE DNA PROFILES OF DNA SAMPLES RECEIVED UNDER THIS SEC-  
10 TION SHALL ONLY BE DISCLOSED AS FOLLOWS:

11 (A) TO A CRIMINAL JUSTICE AGENCY FOR LAW ENFORCEMENT IDENTI-  
12 FICATION PURPOSES.

13 (B) IN A JUDICIAL PROCEEDING AS AUTHORIZED OR REQUIRED BY A  
14 COURT.

15 (C) TO A DEFENDANT IN A CRIMINAL CASE IF THE DNA PROFILE IS  
16 USED IN CONJUNCTION WITH A CHARGE AGAINST THE DEFENDANT.

17 (D) FOR AN ACADEMIC, RESEARCH, STATISTICAL ANALYSIS, OR PRO-  
18 TOCOL DEVELOPMENTAL PURPOSE ONLY IF PERSONAL IDENTIFICATIONS ARE  
19 REMOVED.

[ (5) A JUVENILE FOUND RESPONSIBLE FOR OR CONVICTED OF 1 OR MORE  
CRIMES LISTED IN SUBSECTION (1) SHALL PAY AN ASSESSMENT OF \$60.00.  
THE DEPARTMENT SHALL TRANSMIT THE ASSESSMENTS OR PORTIONS OF  
ASSESSMENTS COLLECTED TO THE DEPARTMENT OF TREASURY FOR THE  
DEPARTMENT OF STATE POLICE FORENSIC SCIENCE DIVISION TO DEFRAY THE  
COSTS ASSOCIATED WITH THE REQUIREMENTS OF DNA PROFILING AND DNA  
RETENTION PRESCRIBED UNDER THE DNA IDENTIFICATION PROFILING SYSTEM  
ACT, 1990 PA 250, MCL 28.171 TO 28.176.]

20 [(6)] ~~-(4)-~~ As used in this section, "sample" means a portion  
21 of a juvenile's blood, saliva, or tissue collected from the  
22 juvenile.

23 Enacting section 1. This amendatory act takes effect  
24 October 1, 2001.

25 Enacting section 2. This amendatory act does not take  
26 effect unless all of the following bills of the 91st Legislature  
27 are enacted into law:

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- 1 (a) House Bill No. 4610.
- 2 (b) House Bill No. 4611.
- 3 (c) House Bill No. 4612.
- 4 (d) House Bill No. 4613.
- 5 (e) House Bill No. 4633.