

**SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 4610**

A bill to amend 1990 PA 250, entitled  
"DNA identification profiling system act,"  
by amending section 2 (MCL 28.172), as amended by 1996 PA 508,  
and by adding section 3a.

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

1       Sec. 2. As used in this act:  
2       (a) "Department" means the department of state police.  
3       (b) "DNA identification profile" means the results of the  
4 DNA identification profiling of a sample.  
5       (c) "DNA identification profiling" means a validated scien-  
6 tific method of analyzing components of deoxyribonucleic acid  
7 molecules in a ~~sample to identify the pattern of the components~~  
8 ~~chemical structure that is unique to the individual~~ BIOLOGICAL  
9 SPECIMEN TO DETERMINE A MATCH OR A NONMATCH BETWEEN A REFERENCE  
10 SAMPLE AND AN EVIDENTIARY SAMPLE.

**HB 4610, As Passed Senate, June 26, 2001**

House Bill No. 4610 as amended June 26, 2001

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1 (D) "FELONY" MEANS A VIOLATION OF A PENAL LAW OF THIS STATE  
2 FOR WHICH THE OFFENDER MAY BE PUNISHED BY IMPRISONMENT FOR MORE  
3 THAN 1 YEAR OR AN OFFENSE EXPRESSLY DESIGNATED BY LAW TO BE A  
4 FELONY.

5 (E) "INVESTIGATING LAW ENFORCEMENT AGENCY" MEANS THE LAW  
6 ENFORCEMENT AGENCY RESPONSIBLE FOR THE INVESTIGATION OF THE OFFENSE  
7 FOR WHICH THE INDIVIDUAL IS CONVICTED. INVESTIGATING LAW ENFORCEMENT  
8 AGENCY INCLUDES THE COUNTY SHERIFF BUT DOES NOT INCLUDE  
9 A PROBATION OFFICER EMPLOYED BY THE DEPARTMENT OF CORRECTIONS.

7 (F) ~~(d)~~ "Sample" means a portion of an individual's blood,  
8 saliva, or tissue collected from the individual.

9 SEC. 3A. (1) AN INDIVIDUAL REQUIRED BY LAW TO PROVIDE SAM-  
10 PLES FOR DNA IDENTIFICATION PROFILING WHO REFUSES TO PROVIDE OR  
11 RESISTS PROVIDING THOSE SAMPLES IS GUILTY OF A MISDEMEANOR PUN-  
12 ISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A FINE OF NOT  
13 MORE THAN \$1,000.00, OR BOTH. THE INDIVIDUAL SHALL BE ADVISED  
14 THAT HIS OR HER RESISTANCE OR REFUSAL TO PROVIDE SAMPLES  
15 DESCRIBED IN THIS SUBSECTION IS A MISDEMEANOR.

16 (2) IF AT THE TIME AN INDIVIDUAL WHO IS REQUIRED BY LAW TO  
17 PROVIDE SAMPLES FOR DNA IDENTIFICATION PROFILING IS CONVICTED THE  
18 INVESTIGATING LAW ENFORCEMENT AGENCY OR THE DEPARTMENT ALREADY  
19 HAS A SAMPLE FROM THE INDIVIDUAL THAT MEETS THE REQUIREMENTS OF  
20 THE RULES PROMULGATED UNDER THIS ACT, THE INDIVIDUAL IS NOT  
21 REQUIRED TO PROVIDE ANOTHER SAMPLE.

22 Enacting section 1. This amendatory act takes effect  
23 January 1, 2002.

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

**HB 4610, As Passed Senate, June 26, 2001**

House Bill No. 4610

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- 1 (a) Senate Bill No. 389.
- 2 (b) Senate Bill No. 393.
- 3 (c) Senate Bill No. 394.
- 4 (d) House Bill No. 4611.
- 5 (e) House Bill No. 4612.
- 6 (f) House Bill No. 4613.
- 7 (g) House Bill No. 4633.