

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4633**

A bill to amend 1974 PA 150, entitled
"Youth rehabilitation services act,"
by amending section 7a (MCL 803.307a), as amended by 1998
PA 517.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7a. (1) A public ward under a youth agency's jurisdic-
2 tion ~~for a violation of section 91, 316, or 317 of the Michigan~~
3 ~~penal code, 1931 PA 328, MCL 750.91, 750.316, and 750.317, or a~~
4 ~~violation or attempted violation of section 349, 520b, 520c,~~
5 ~~520d, 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 shall not be placed in a community placement of any kind and
8 shall not be discharged from wardship until he or she has
9 provided samples for chemical testing for DNA identification
10 profiling or a determination of the sample's genetic markers and

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1 has provided samples for a determination of his or her secretor
2 status ~~—. However, if at the time the public ward is to be dis-~~
3 ~~charged from public wardship the department of state police~~
4 ~~already has a sample from the public ward that meets the require-~~
5 ~~ments of the rules promulgated under the DNA identification pro-~~
6 ~~filing system act, 1990 PA 250, MCL 28.171 to 28.176, the public~~
7 ~~ward is not required to provide another sample. IF ANY OF THE~~
8 FOLLOWING APPLY:

9 (A) THE PUBLIC WARD HAS BEEN FOUND RESPONSIBLE FOR A VIOLA-
10 TION OF SECTION 83, 91, 316, 317, OR 321 OF THE MICHIGAN PENAL
11 CODE, 1931 PA 328, MCL 750.83, 750.91, 750.316, 750.317, AND
12 750.321, OR A VIOLATION OR ATTEMPTED VIOLATION OF SECTION 349,
13 520B, 520C, 520D, 520E, OR 520G OF THE MICHIGAN PENAL CODE, 1931
14 PA 328, MCL 750.349, 750.520B, 750.520C, 750.520D, 750.520E, AND
15 750.520G, OR A VIOLATION OF SECTION 167(1)(C) OR (F) OR 335A OF
16 THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.167 AND 750.335A,
17 OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION
18 167(1)(C) OR (F) OR 335A OF THE MICHIGAN PENAL CODE, 1931 PA 328,
19 MCL 750.167 AND 750.335A.

20 (B) THE PUBLIC WARD HAS BEEN CONVICTED OF A FELONY OR
21 ATTEMPTED FELONY, OR ANY OF THE FOLLOWING MISDEMEANORS, OR LOCAL
22 ORDINANCES THAT ARE SUBSTANTIALLY CORRESPONDING TO THE FOLLOWING
23 MISDEMEANORS:

24 (i) A VIOLATION OF SECTION 145A OF THE MICHIGAN PENAL CODE,
25 1931 PA 328, MCL 750.145A, ENTICING A CHILD FOR IMMORAL
26 PURPOSES.

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1 (ii) A VIOLATION OF SECTION 167(1)(C), (F), OR (I) OF THE
2 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.167, DISORDERLY PERSON
3 BY WINDOW PEEPING, ENGAGING IN INDECENT OR OBSCENE CONDUCT IN
4 PUBLIC, OR LOITERING IN A HOUSE OF ILL FAME OR PROSTITUTION.

5 (iii) A VIOLATION OF SECTION 335A OF THE MICHIGAN PENAL
6 CODE, 1931 PA 328, MCL 750.335A, INDECENT EXPOSURE.

7 (iv) A VIOLATION OF SECTION 451 OF THE MICHIGAN PENAL CODE,
8 1931 PA 328, MCL 750.451, FIRST AND SECOND PROSTITUTION
9 VIOLATIONS.

10 (v) A VIOLATION OF SECTION 454 OF THE MICHIGAN PENAL CODE,
11 1931 PA 328, MCL 750.454, LEASING A HOUSE FOR PURPOSES OF
12 PROSTITUTION.

13 (vi) A VIOLATION OF SECTION 462 OF THE MICHIGAN PENAL CODE,
14 1931 PA 328, MCL 750.462, FEMALE UNDER THE AGE OF 17 IN A HOUSE
15 OF PROSTITUTION.

16 (2) NOTWITHSTANDING SUBSECTION (1), IF AT THE TIME THE
17 PUBLIC WARD IS CONVICTED OF OR FOUND RESPONSIBLE FOR THE VIOLA-
18 TION THE INVESTIGATING LAW ENFORCEMENT AGENCY OR THE DEPARTMENT
19 OF STATE POLICE ALREADY HAS A SAMPLE FROM THE PUBLIC WARD THAT
20 MEETS THE REQUIREMENTS OF THE DNA IDENTIFICATION PROFILING SYSTEM
21 ACT, 1990 PA 250, MCL 28.171 TO 28.176, THE PUBLIC WARD IS NOT
22 REQUIRED TO PROVIDE ANOTHER SAMPLE OR PAY THE FEE REQUIRED UNDER
23 SUBSECTION (6).

24 (3) ~~—(2)—~~ The samples required to be collected under this
25 section shall be collected by the youth agency and transmitted to
26 the department of state police in the manner prescribed ~~by rules~~

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1 ~~promulgated~~ under the DNA identification profiling system act,
2 1990 PA 250, MCL 28.171 to 28.176.

3 (4) ~~-(3)-~~ The youth agency may collect a sample under this
4 section regardless of whether the public ward consents to the
5 collection. The youth agency is not required to give the public
6 ward an opportunity for a hearing or obtain a court order before
7 collecting the sample.

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

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

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

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

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

19 (6) A PUBLIC WARD FOUND RESPONSIBLE FOR OR CONVICTED OF 1 OR
20 MORE CRIMES LISTED IN SUBSECTION (1) SHALL PAY AN ASSESSMENT OF
21 \$60.00. THE DEPARTMENT SHALL TRANSMIT THE ASSESSMENTS OR POR-
22 TIONS OF ASSESSMENTS COLLECTED TO THE DEPARTMENT OF TREASURY FOR
23 THE DEPARTMENT OF STATE POLICE FORENSIC SCIENCE DIVISION TO
24 DEFRAY THE COSTS ASSOCIATED WITH THE REQUIREMENTS OF DNA PROFIL-
25 ING AND DNA RETENTION PRESCRIBED UNDER THE DNA IDENTIFICATION
26 PROFILING SYSTEM ACT, 1990 PA 250, MCL 28.171 TO 28.176.

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1 (7) ~~—(4)—~~ As used in this section: ~~—, "sample"—~~

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

6 (B) "SAMPLE" means a portion of a public ward's blood,
7 saliva, or tissue collected from the public ward.

8 Enacting section 1. This amendatory act takes effect
9 January 1, 2002.

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

13 (a) Senate Bill No. 389.

14 (b) Senate Bill No. 393.

15 (c) Senate Bill No. 394.

16 (d) House Bill No. 4610.

17 (e) House Bill No. 4611.

18 (f) House Bill No. 4612.

19 (g) House Bill No. 4613.