

**SUBSTITUTE FOR  
SENATE BILL NO. 392**

A bill to amend 1939 PA 288, entitled  
"Probate code of 1939,"  
by amending section 18k of chapter XIIA (MCL 712A.18k), as  
amended by 1998 PA 478.

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

CHAPTER XIIA

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2       Sec. 18k. (1) An individual convicted of or found responsi-  
3 ble for a violation of section 83, 91, 316, ~~or~~ 317, OR 321 of  
4 the Michigan penal code, 1931 PA 328, MCL 750.83, 750.91,  
5 750.316, ~~and~~ 750.317, AND 750.321, or a violation or attempted  
6 violation of section 349, 520b, 520c, 520d, 520e, or 520g of that  
7 act, MCL 750.349, 750.520b, 750.520c, 750.520d, 750.520e, and  
8 750.520g, shall provide samples for chemical testing for DNA  
9 identification profiling or a determination of the sample's  
10 genetic markers and shall provide samples for chemical testing

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1 for a determination of his or her secretor status. However, if  
2 at the time the individual is convicted of or found responsible  
3 for the violation the investigating law enforcement agency, the  
4 department of state police, the family independence agency, or  
5 the county juvenile agency already has a sample from the individ-  
6 ual that meets the requirements of the rules promulgated under  
7 the DNA identification profiling system act, 1990 PA 250,  
8 MCL 28.171 to 28.176, the individual is not required to provide  
9 another sample.

10 (2) The investigating law enforcement agency shall provide  
11 for collecting the samples required to be provided under  
12 subsection (1) in a medically approved manner by qualified per-  
13 sons using supplies provided by the department of state police  
14 and shall forward those samples and any samples described in  
15 subsection (1) that were already in the agency's possession to  
16 the department of state police. The collecting and forwarding of  
17 samples shall be done in the manner required under the rules  
18 promulgated under the DNA identification profiling system act,  
19 1990 PA 250, MCL 28.171 to 28.176.

20 (3) The family independence agency or a county juvenile  
21 agency, investigating law enforcement agency, prosecuting agency,  
22 or court that has in its possession a DNA identification profile  
23 obtained from a sample of an individual convicted of or found  
24 responsible for an offense described in subsection (1) shall for-  
25 ward the DNA identification profile to the department of state  
26 police at or before the time the court imposes sentence or enters  
27 an order of disposition upon that conviction or finding of

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1 responsibility unless the department of state police already has  
2 a DNA identification profile of the individual.

3 (4) As used in this section:

4 (a) "DNA identification profile" and "DNA identification  
5 profiling" mean those terms as defined in section 2 of the DNA  
6 identification profiling system act, 1990 PA 250, MCL 28.172.

7 (b) "Investigating law enforcement agency" means the law  
8 enforcement agency responsible for the investigation of the  
9 offense for which the individual is convicted or found  
10 responsible.

11 (c) "Sample" means a portion of an individual's blood,  
12 saliva, or tissue collected from the individual.

13 Enacting section 1. This amendatory act takes effect  
14 October 1, 2001.

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

18 (a) Senate Bill No. 389.

19 (b) Senate Bill No. 390.

20 (c) Senate Bill No. 391.

21 (d) Senate Bill No. 393.

22 (e) Senate Bill No. 394.