

HOUSE BILL No. 4610

April 18, 2001, Introduced by Reps. Faunce, Kowall, Woronchak, Gilbert, Hager, George, Julian and Van Woerkom and referred to the Committee on Criminal Justice.

A bill to amend 1990 PA 250, entitled
"DNA identification profiling system act,"
by amending section 6 (MCL 28.176), as amended by 2000 PA 30.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6. (1) The department shall permanently retain a DNA
2 identification profile of an individual obtained from a sample in
3 the manner prescribed by the department under this act if that
4 individual is convicted of or found responsible for a violation
5 ~~of section 91, 316, or 317 of the Michigan penal code, 1931~~
6 ~~PA 328, MCL 750.91, 750.316, and 750.317, or a violation or~~
7 ~~attempted violation of section 349, 520b, 520c, 520d, 520e, or~~
8 ~~520g of the Michigan penal code, 1931 PA 328, MCL 750.349,~~
9 ~~750.520b, 750.520c, 750.520d, 750.520e, and 750.520g~~ OR
10 ATTEMPTED VIOLATION OF A LAW OF THIS STATE THAT IS A FELONY OR
11 THAT WOULD BE A FELONY IF COMMITTED BY AN ADULT, OR A VIOLATION

1 OR ATTEMPTED VIOLATION OF SECTION 520E OF THE MICHIGAN PENAL
2 CODE, 1931 PA 328, MCL 750.520E. Any other DNA identification
3 profile obtained by the department shall not be permanently
4 retained by the department but shall be retained only as long as
5 it is needed for a criminal investigation or criminal
6 prosecution.

7 (2) If the state police forensic laboratory determines after
8 analysis that a sample has been submitted by an individual who
9 has been eliminated as a suspect in a crime, the laboratory shall
10 dispose of the sample and the DNA identification profile record
11 in the following manner:

12 (a) The laboratory shall dispose of the sample in compliance
13 with section 13811 of the public health code, 1978 PA 368,
14 MCL 333.13811.

15 (b) The laboratory shall dispose of the sample and the DNA
16 identification profile record in the presence of a witness.

17 (3) After disposal in accordance with subsection (2), the
18 laboratory shall make and keep a written record of the disposal,
19 signed by the individual who witnessed the disposal.

20 Enacting section 1. This amendatory act does not take
21 effect unless all of the following bills of the 91st Legislature
22 are enacted into law:

23 (a) Senate Bill No. _____ or House Bill No. 4611 (request
24 no. 02654'01 a).

25 (b) Senate Bill No. _____ or House Bill No. 4613 (request
26 no. 02654'01 b).

1 (c) Senate Bill No. _____ or House Bill No. 4612 (request
2 no. 02654'01 c).

3 (d) Senate Bill No. _____ or House Bill No. 4614 (request
4 no. 02654'01 d).

5 (e) Senate Bill No. _____ or House Bill No. 4633 (request
6 no. 02654'01 e).