

HOUSE BILL No. 4611

April 18, 2001, Introduced by Reps. Julian and Faunce and referred to the Committee on Criminal Justice.

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

Sec. 18k. (1) An individual convicted of or found responsi-
ble for a violation ~~of section 91, 316, or 317 of the Michigan~~
~~penal code, 1931 PA 328, MCL 750.91, 750.316, and 750.317, or a~~
~~violation or attempted violation of section 349, 520b, 520c,~~
~~520d, 520e, or 520g of that act, MCL 750.349, 750.520b, 750.520c,~~
~~750.520d, 750.520e, and 750.520g~~ OR ATTEMPTED VIOLATION OF A LAW
OF THIS STATE THAT IS A FELONY OR THAT WOULD BE A FELONY IF
COMMITTED BY AN ADULT, OR A VIOLATION OR ATTEMPTED VIOLATION OF
SECTION 520E OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL

1 750.520E, shall provide samples for chemical testing for DNA
2 identification profiling or a determination of the sample's gene-
3 tic markers and shall provide samples for chemical testing for a
4 determination of his or her secretor status. However, if at the
5 time the individual is convicted of or found responsible for the
6 violation the investigating law enforcement agency, the depart-
7 ment of state police, the family independence agency, or the
8 county juvenile agency already has a sample from the individual
9 that meets the requirements of the rules promulgated under the
10 DNA identification profiling system act, 1990 PA 250, MCL 28.171
11 to 28.176, the individual is not required to provide another
12 sample.

13 (2) The investigating law enforcement agency shall provide
14 for collecting the samples required to be provided under
15 subsection (1) in a medically approved manner by qualified per-
16 sons using supplies provided by the department of state police
17 and shall forward those samples and any samples described in
18 subsection (1) that were already in the agency's possession to
19 the department of state police. The collecting and forwarding of
20 samples shall be done in the manner required under the rules
21 promulgated under the DNA identification profiling system act,
22 1990 PA 250, MCL 28.171 to 28.176.

23 (3) The family independence agency or a county juvenile
24 agency, investigating law enforcement agency, prosecuting agency,
25 or court that has in its possession a DNA identification profile
26 obtained from a sample of an individual convicted of or found
27 responsible for an offense described in subsection (1) shall

1 forward the DNA identification profile to the department of state
2 police at or before the time the court imposes sentence or enters
3 an order of disposition upon that conviction or finding of
4 responsibility unless the department of state police already has
5 a DNA identification profile of the individual.

6 (4) As used in this section:

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

10 (b) "Investigating law enforcement agency" means the law
11 enforcement agency responsible for the investigation of the
12 offense for which the individual is convicted or found
13 responsible.

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

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

19 (a) Senate Bill No. _____ or House Bill No. 4610 (request
20 no. 02654'01).

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

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

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

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