

HOUSE BILL No. 4612

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

A bill to amend 1953 PA 232, entitled

"An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act,"

by amending section 33d (MCL 791.233d), as amended by 1996 PA 509.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 33d. (1) A prisoner serving a sentence for a violation
2 ~~of section 91, 316, or 317 of the Michigan penal code, Act~~
3 ~~No. 328 of the Public Acts of 1931, being section 750.91,~~
4 ~~750.316, and 750.317 of the Michigan Compiled Laws, or a viola-~~
5 ~~tion or attempted violation of section 349, 520b, 520c, 520d,~~
6 ~~520e, or 520g of Act No. 328 of the Public Acts of 1931, being~~
7 ~~sections 750.349, 750.520b, 750.520c, 750.520d, 750.520e, and~~
8 ~~750.520g of the Michigan Compiled Laws~~ OR ATTEMPTED VIOLATION OF
9 A LAW OF THIS STATE THAT IS A FELONY, OR A VIOLATION OR ATTEMPTED
10 VIOLATION OF SECTION 520E OF THE MICHIGAN PENAL CODE, 1931 PA
11 328, MCL 750.520E, shall not be released on parole, placed in a
12 community placement facility of any kind, including a community
13 corrections center or a community residential home, or discharged
14 upon completion of his or her maximum sentence until he or she
15 has provided samples for chemical testing for DNA identification
16 profiling or a determination of the sample's genetic markers and
17 has provided samples for a determination of his or her secretor
18 status. However, if at the time the prisoner is to be released,
19 placed, or discharged the department of state police already has
20 a sample from the prisoner that meets the requirements of the
21 rules promulgated under the DNA identification profiling system
22 act, ~~Act No. 250 of the Public Acts of 1990, being sections~~
23 ~~28.171 to 28.176 of the Michigan Compiled Laws~~ 1990 PA 250, MCL
24 722.901 TO 722.908, the prisoner is not required to provide
25 another sample.

1 (2) The samples required to be collected under this section
2 shall be collected by the department and transmitted by the
3 department to the department of state police in the manner pre-
4 scribed by rules promulgated under the DNA identification profil-
5 ing system act, ~~Act No. 250 of the Public Acts of 1990~~ 1990 PA
6 250, MCL 28.171 TO 28.176.

7 (3) The department may collect a sample under this section
8 regardless of whether the prisoner consents to the collection.
9 The department is not required to give the prisoner an opportu-
10 nity for a hearing or obtain a court order before collecting the
11 sample.

12 (4) As used in this section, "sample" means a portion of a
13 prisoner's blood, saliva, or tissue collected from the prisoner.

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

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

19 (b) Senate Bill No. _____ or House Bill No. 4611 (request
20 no. 02654'01 a).

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

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

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