

HOUSE BILL No. 4613

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

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 520m (MCL 750.520m), as amended by 1996 PA
510.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 520m. (1) A person convicted of a violation ~~of sec-~~
2 ~~tion 91, 316, or 317 or a violation or attempted violation of~~
3 ~~section 349, 520b, 520c, 520d, 520e, or 520g~~ OR ATTEMPTED VIOLA-
4 TION OF A LAW OF THIS STATE THAT IS A FELONY OR THAT WOULD BE A
5 FELONY IF COMMITTED BY AN ADULT, OR A VIOLATION OR ATTEMPTED VIO-
6 LATION OF SECTION 520E, shall provide samples for chemical test-
7 ing for DNA identification profiling or a determination of the
8 sample's genetic markers and shall provide samples for chemical
9 testing for a determination of his or her secretor status.
10 However, if at the time the person is convicted the investigating

1 law enforcement agency or the department of state police already
2 has a sample from the person that meets the requirements of the
3 rules promulgated under the DNA identification profiling system
4 act, ~~Act No. 250 of the Public Acts of 1990, being~~
5 ~~sections 28.171 to 28.176 of the Michigan Compiled Laws~~ 1990 PA
6 250, MCL 28.171 TO 28.176, the person is not required to provide
7 another sample.

8 (2) The investigating law enforcement agency shall provide
9 for collecting the samples required to be provided under
10 subsection (1) in a medically approved manner by qualified per-
11 sons using supplies provided by the department of state police
12 and shall forward those samples and any samples described in
13 subsection (1) that were already in the agency's possession to
14 the department of state police. The collecting and forwarding of
15 samples shall be done in the manner required under the rules
16 promulgated under the DNA identification profiling system act,
17 ~~Act No. 250 of the Public Acts of 1990~~ 1990 PA 250, MCL 28.171
18 TO 28.176.

19 (3) An investigating law enforcement agency, prosecuting
20 agency, or court that has in its possession a DNA identification
21 profile obtained from a sample of a person convicted of an
22 offense described in subsection (1) shall forward the DNA identi-
23 fication profile to the department of state police at or before
24 the time of the person's sentencing upon that conviction unless
25 the department of state police already has a DNA identification
26 profile of the person.

1 (4) As used in this section:

2 (a) "DNA identification profile" and "DNA identification
3 profiling" mean those terms as defined in section 2 of the DNA
4 identification profiling system act, ~~Act No. 250 of the Public~~
5 ~~Acts of 1990, being section 28.172 of the Michigan Compiled Laws~~
6 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 person is convicted.

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

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

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

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

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

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

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