

HOUSE BILL No. 4614

April 18, 2001, Introduced by Rep. Kooiman and referred to the Committee on Criminal Justice.

A bill to amend 1988 PA 73, entitled
"The juvenile facilities act,"
by amending section 5a (MCL 803.225a), as amended by 1998 PA
521.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5a. (1) A juvenile convicted of or found responsible
2 for a violation ~~of section 91, 316, or 317 of the Michigan penal~~
3 ~~code, 1931 PA 328, MCL 750.91, 750.316, and 750.317, or a viola-~~
4 ~~tion or attempted violation of section 349, 520b, 520c, 520d,~~
5 ~~520e, or 520g of the Michigan penal code, 1931 PA 328, MCL~~
6 ~~750.349, 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g~~ OR
7 ATTEMPTED VIOLATION OF A LAW OF THIS STATE THAT IS A FELONY OR
8 THAT WOULD BE A FELONY IF COMMITTED BY AN ADULT OR A VIOLATION OR
9 ATTEMPTED VIOLATION OF SECTION 520E OF THE MICHIGAN PENAL CODE,
10 1931 PA 328, MCL 750.520E, who is under the supervision of the

1 department or a county juvenile agency under section 18 of
2 chapter XIIIA of THE PROBATE CODE OF 1939, 1939 PA 288, MCL
3 712A.18, shall not be placed in a community placement of any kind
4 and shall not be discharged from wardship until he or she has
5 provided samples for chemical testing for DNA identification pro-
6 filing or a determination of the sample's genetic markers and has
7 provided samples for a determination of his or her secretor
8 status. However, if, at the time the juvenile is to be dis-
9 charged from wardship, the department of state police already has
10 a sample from the juvenile that meets the requirements of the
11 rules promulgated under the DNA identification profiling system
12 act, 1990 PA 250, MCL 28.171 to 28.176, the juvenile is not
13 required to provide another sample.

14 (2) The samples required to be collected under this section
15 shall be collected by the department or county juvenile agency,
16 as applicable, and transmitted by the department or county juve-
17 nile agency to the department of state police in the manner pre-
18 scribed by rules promulgated under the DNA identification profil-
19 ing system act, 1990 PA 250, MCL 28.171 to 28.176.

20 (3) The department or county juvenile agency may collect a
21 sample under this section regardless of whether the juvenile con-
22 sents to the collection. The department or county juvenile
23 agency is not required to give the juvenile an opportunity for a
24 hearing or obtain a court order before collecting the sample.

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

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

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

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

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

10 (d) Senate Bill No. _____ or House Bill No. 4612 (request
11 no. 02654'01 c).

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