

SENATE BILL No. 389

April 18, 2001, Introduced by Senators VAN REGENMORTER, GAST, JOHNSON, NORTH, GARCIA, GOSCHKA, BULLARD, STEIL, SHUGARS and SCHWARZ and referred to the Committee on Judiciary.

A bill to amend 1990 PA 250, entitled
"DNA identification profiling system act,"
by amending sections 2 and 6 (MCL 28.172 and 28.176), section 2
as amended by 1996 PA 508 and section 6 as amended by 2000 PA
30.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Department" means the department of state police.

3 (b) "DNA identification profile" means the results of the
4 DNA identification profiling of a sample.

5 (c) "DNA identification profiling" means a validated scien-
6 tific method of analyzing components of deoxyribonucleic acid
7 molecules in a sample to identify the pattern of the components'
8 chemical structure that is unique to the individual.

1 (D) "FELONY" MEANS A VIOLATION OF A PENAL LAW OF THIS STATE
2 FOR WHICH THE OFFENDER MAY BE PUNISHED BY IMPRISONMENT FOR MORE
3 THAN 1 YEAR OR AN OFFENSE EXPRESSLY DESIGNATED BY LAW TO BE A
4 FELONY.

5 (E) ~~(d)~~ "Sample" means a portion of an individual's blood,
6 saliva, or tissue collected from the individual.

7 Sec. 6. (1) The department shall permanently retain a DNA
8 identification profile of an individual obtained from a sample in
9 the manner prescribed by the department under this act if that
10 individual is convicted of ~~or found responsible for a violation~~
11 ~~of section 91, 316, or 317 of the Michigan penal code, 1931 PA~~
12 ~~328, MCL 750.91, 750.316, and 750.317, or a violation or~~
13 ~~attempted violation of section 349, 520b, 520c, 520d, 520e, or~~
14 ~~520g of the Michigan penal code, 1931 PA 328, MCL 750.349,~~
15 ~~750.520b, 750.520c, 750.520d, 750.520e, and 750.520g.~~ A FELONY
16 OR ATTEMPTED FELONY OR FOUND RESPONSIBLE FOR A JUVENILE OFFENSE
17 OR ATTEMPTED OFFENSE THAT IF COMMITTED BY AN ADULT WOULD BE A
18 FELONY OR ATTEMPTED FELONY OR ANY OF THE FOLLOWING MISDEMEANORS:

19 (A) A VIOLATION OF SECTION 81 OF THE MICHIGAN PENAL CODE,
20 1931 PA 328, MCL 750.81, ASSAULT AND BATTERY, INCLUDING DOMESTIC
21 VIOLENCE.

22 (B) A VIOLATION OF SECTION 81A OF THE MICHIGAN PENAL CODE,
23 1931 PA 328, MCL 750.81A, ASSAULT; INFLECTION OF SERIOUS INJURY,
24 INCLUDING AGGRAVATED DOMESTIC VIOLENCE.

25 (C) A VIOLATION OF SECTION 115 OF THE MICHIGAN PENAL CODE,
26 1931 PA 328, MCL 750.115, BREAKING AND ENTERING OR ILLEGAL
27 ENTRY.

1 (D) A VIOLATION OF SECTION 136B(6) OF THE MICHIGAN PENAL
2 CODE, 1931 PA 328, MCL 750.136B, CHILD ABUSE IN THE FOURTH
3 DEGREE.

4 (E) A VIOLATION OF SECTION 145A OF THE MICHIGAN PENAL CODE,
5 1931 PA 328, MCL 750.145A, ENTICING A CHILD FOR IMMORAL
6 PURPOSES.

7 (F) A VIOLATION OF SECTION 335A OF THE MICHIGAN PENAL CODE,
8 1931 PA 328, MCL 750.335A, INDECENT EXPOSURE.

9 (G) A VIOLATION OF SECTION 411H OF THE MICHIGAN PENAL CODE,
10 1931 PA 328, MCL 750.411H, STALKING.

11 (2) Any other DNA identification profile obtained by the
12 department shall not be permanently retained by the department
13 but shall be retained only as long as it is needed for a criminal
14 investigation or criminal prosecution.

15 (3) ~~-(2)-~~ If the state police forensic laboratory determines
16 after analysis that a sample has been submitted by an individual
17 who has been eliminated as a suspect in a crime, the laboratory
18 shall dispose of the sample and the DNA identification profile
19 record in the following manner:

20 (a) The laboratory shall dispose of the sample in compliance
21 with section 13811 of the public health code, 1978 PA 368, MCL
22 333.13811.

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

25 (4) ~~-(3)-~~ After disposal in accordance with subsection ~~-(2)-~~
26 (3), the laboratory shall make and keep a written record of the
27 disposal, signed by the individual who witnessed the disposal.

1 Enacting section 1. This amendatory act takes effect
2 October 1, 2001.

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

6 (a) Senate Bill No. 390.

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8 (b) Senate Bill No. 391.

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10 (c) Senate Bill No. 394.

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12 (d) Senate Bill No. 393.

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14 (e) Senate Bill No. 392

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