

SENATE BILL No. 390

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 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~~
2 ~~violation of section 91, 316, or 317 of the Michigan penal code,~~
3 ~~Act 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,~~ shall not be released on
9 parole, placed in a community placement facility of any kind,
10 including a community corrections center or a community residen-
11 tial home, or discharged upon completion of his or her maximum
12 sentence until he or she has provided samples for chemical test-
13 ing for DNA identification profiling or a determination of the
14 sample's genetic markers and has provided samples for a determi-
15 nation of his or her secretor status. However, if at the time
16 the prisoner is to be released, placed, or discharged the depart-
17 ment of state police already has a sample from the prisoner that
18 meets the requirements of the rules promulgated under the DNA
19 identification profiling system act, ~~Act No. 250 of the Public~~
20 ~~Acts of 1990, being sections 28.171 to 28.176 of the Michigan~~
21 ~~Compiled Laws~~ 1990 PA 250, MCL 28.171 TO 28.176, the prisoner is
22 not required to provide another sample.

23 (2) The samples required to be collected under this section
24 shall be collected by the department and transmitted by the
25 department to the department of state police in the manner
26 prescribed by rules promulgated under the DNA identification

1 profiling system act, ~~Act No. 250 of the Public Acts of 1990~~
2 1990 PA 250, MCL 28.171 TO 28.176.

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

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

10 Enacting section 1. This amendatory act does not take
11 effect unless Senate Bill No. 389
12 of the 91st Legislature is enacted into
13 law.