

# SENATE BILL No. 393

April 18, 2001, Introduced by Senators MC COTTER and JOHNSON and referred to the Committee on Judiciary.

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,~~  
7 who is under the supervision of the department or a county juve-  
8 nile agency under section 18 of chapter XIIIA of 1939 PA 288, MCL  
9 712A.18, shall not be placed in a community placement of any kind  
10 and shall not be discharged from wardship until he or she has

1 provided samples for chemical testing for DNA identification  
2 profiling or a determination of the sample's genetic markers and  
3 has provided samples for a determination of his or her secretor  
4 status ~~— However, —~~ IF THE JUVENILE IS CONVICTED OF A FELONY OR  
5 ATTEMPTED FELONY OR FOUND RESPONSIBLE FOR A JUVENILE OFFENSE OR  
6 ATTEMPTED OFFENSE THAT IF COMMITTED BY AN ADULT WOULD BE A FELONY  
7 OR ATTEMPTED FELONY OR ANY OF THE FOLLOWING MISDEMEANORS:

8       (A) A VIOLATION OF SECTION 81 OF THE MICHIGAN PENAL CODE,  
9 1931 PA 328, MCL 750.81, ASSAULT AND BATTERY, INCLUDING DOMESTIC  
10 VIOLENCE.

11       (B) A VIOLATION OF SECTION 81A OF THE MICHIGAN PENAL CODE,  
12 1931 PA 328, MCL 750.81A, ASSAULT; INFLECTION OF SERIOUS INJURY,  
13 INCLUDING AGGRAVATED DOMESTIC VIOLENCE.

14       (C) A VIOLATION OF SECTION 115 OF THE MICHIGAN PENAL CODE,  
15 1931 PA 328, MCL 750.115, BREAKING AND ENTERING OR ILLEGAL  
16 ENTRY.

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

20       (E) A VIOLATION OF SECTION 145A OF THE MICHIGAN PENAL CODE,  
21 1931 PA 328, MCL 750.145A, ENTICING A CHILD FOR IMMORAL  
22 PURPOSES.

23       (F) A VIOLATION OF SECTION 335A OF THE MICHIGAN PENAL CODE,  
24 1931 PA 328, MCL 750.335A, INDECENT EXPOSURE.

25       (G) A VIOLATION OF SECTION 411H OF THE MICHIGAN PENAL CODE,  
26 1931 PA 328, MCL 750.411H, STALKING.

1       (2) NOTWITHSTANDING SUBSECTION (1), if, at the time the  
2 juvenile is to be discharged from wardship, the department of  
3 state police already has a sample from the juvenile that meets  
4 the requirements of the rules promulgated under the DNA identifi-  
5 cation profiling system act, 1990 PA 250, MCL 28.171 to 28.176,  
6 the juvenile is not required to provide another sample.

7       (3) ~~—(2)—~~ The samples required to be collected under this  
8 section shall be collected by the department or county juvenile  
9 agency, as applicable, and transmitted by the department or  
10 county juvenile agency to the department of state police in the  
11 manner prescribed by rules promulgated under the DNA identifica-  
12 tion profiling system act, 1990 PA 250, MCL 28.171 to 28.176.

13       (4) ~~—(3)—~~ The department or county juvenile agency may col-  
14 lect a sample under this section regardless of whether the juve-  
15 nile consents to the collection. The department or county juve-  
16 nile agency is not required to give the juvenile an opportunity  
17 for a hearing or obtain a court order before collecting the  
18 sample.

19       (5) ~~—(4)—~~ As used in this section: ~~—, "sample"—~~

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

24       (B) "SAMPLE" means a portion of a juvenile's blood, saliva,  
25 or tissue collected from the juvenile.

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

1       Enacting section 2. 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. 389.

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6       (b) Senate Bill No. 390.

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8       (c) Senate Bill No. 391.

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10       (d) Senate Bill No. 394.

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12       (e) Senate Bill No. 392.

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