

SENATE BILL No. 394

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

A bill to amend 1974 PA 150, entitled
"Youth rehabilitation services act,"
by amending section 7a (MCL 803.307a), as amended by 1998 PA
517.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7a. (1) A public ward under a youth agency's jurisdic-
2 tion ~~for a violation of section 91, 316, or 317 of the Michigan~~
3 ~~penal code, 1931 PA 328, MCL 750.91, 750.316, and 750.317, or a~~
4 ~~violation or attempted violation of section 349, 520b, 520c,~~
5 ~~520d, 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 shall not be placed in a community placement of any kind and
8 shall not be discharged from wardship until he or she has
9 provided samples for chemical testing for DNA identification
10 profiling or a determination of the sample's genetic markers and

1 has provided samples for a determination of his or her secretor
2 status ~~—However,~~ IF THE PUBLIC WARD IS CONVICTED OF A FELONY
3 OR AN ATTEMPTED FELONY OR ANY OF THE FOLLOWING MISDEMEANORS:

4 (A) A VIOLATION OF SECTION 81 OF THE MICHIGAN PENAL CODE,
5 1931 PA 328, MCL 750.81, ASSAULT AND BATTERY, INCLUDING DOMESTIC
6 VIOLENCE.

7 (B) A VIOLATION OF SECTION 81A OF THE MICHIGAN PENAL CODE,
8 1931 PA 328, MCL 750.81A, ASSAULT; INFLECTION OF SERIOUS INJURY,
9 INCLUDING AGGRAVATED DOMESTIC VIOLENCE.

10 (C) A VIOLATION OF SECTION 115 OF THE MICHIGAN PENAL CODE,
11 1931 PA 328, MCL 750.115, BREAKING AND ENTERING OR ILLEGAL
12 ENTRY.

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

16 (E) A VIOLATION OF SECTION 145A OF THE MICHIGAN PENAL CODE,
17 1931 PA 328, MCL 750.145A, ENTICING A CHILD FOR IMMORAL
18 PURPOSES.

19 (F) A VIOLATION OF SECTION 335A OF THE MICHIGAN PENAL CODE,
20 1931 PA 328, MCL 750.335A, INDECENT EXPOSURE.

21 (G) A VIOLATION OF SECTION 411H OF THE MICHIGAN PENAL CODE,
22 1931 PA 328, MCL 750.411H, STALKING.

23 (2) NOTWITHSTANDING SUBSECTION (1), if at the time the
24 public ward is to be discharged from public wardship the depart-
25 ment of state police already has a sample from the public ward
26 that meets the requirements of the rules promulgated under the
27 DNA identification profiling system act, 1990 PA 250, MCL 28.171

1 to 28.176, the public ward is not required to provide another
2 sample.

3 (3) ~~-(2)-~~ The samples required to be collected under this
4 section shall be collected by the youth agency and transmitted to
5 the department of state police in the manner prescribed by rules
6 promulgated under the DNA identification profiling system act,
7 1990 PA 250, MCL 28.171 to 28.176.

8 (4) ~~-(3)-~~ The youth agency may collect a sample under this
9 section regardless of whether the public ward consents to the
10 collection. The youth agency is not required to give the public
11 ward an opportunity for a hearing or obtain a court order before
12 collecting the sample.

13 (5) ~~-(4)-~~ As used in this section: ~~-, "sample"~~

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

18 (B) "SAMPLE" means a portion of a public ward's blood,
19 saliva, or tissue collected from the public ward.

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

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

25 (a) Senate Bill No. 389.

26

1 (b) Senate Bill No. 390.

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3 (c) Senate Bill No. 391.

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5 (d) Senate Bill No. 393.

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7 (e) Senate Bill No. 392.

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