

SUBSTITUTE FOR
SENATE BILL NO. 444

A bill to amend 1994 PA 35, entitled
"The forensic laboratory funding act,"
by amending sections 5, 6, and 7 (MCL 12.205, 12.206, and
12.207), section 6 as amended by 1998 PA 98.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. ~~(1)~~ The investigating officer of each criminal
2 case being adjudicated shall advise the prosecuting attorney if a
3 forensic laboratory has conducted a forensic test in the case.

4 ~~(2) The prosecuting attorney shall examine the case and~~
5 ~~notify the court that a forensic laboratory has conducted a~~
6 ~~forensic test in the investigation of the case before the court.~~

7 Sec. 6. (1) The court shall order each person convicted **and**
8 **sentenced before October 1, 2003** of 1 or more crimes in the case
9 to pay an assessment of \$150.00 if 1 or more of the following
10 apply:

1 (a) The court is notified pursuant to section 5 that a
2 forensic laboratory has conducted a forensic test in the
3 investigation of the case.

4 (b) The person is convicted of a CSC offense.

5 (2) The assessment required under subsection (1) is in
6 addition to any fine, costs, or other assessments imposed by the
7 court. An assessment required under subsection (1) shall be
8 ordered upon the record, and shall be listed separately in the
9 judgment of sentence or order of probation.

10 (3) After reviewing a verified petition by the defendant
11 against whom an assessment is imposed, the court may suspend
12 payment of all or part of the assessment if it determines the
13 defendant is unable to pay the assessment.

14 (4) The court, prosecuting attorney, and originating
15 investigating law enforcement agency may each retain 5% of all
16 assessments or portions of assessments collected for costs
17 incurred pursuant to this section and shall transmit that money
18 to their respective funding units. On the last day of each
19 month, the clerk of the court shall transmit the remainder of
20 assessments or portions of assessments collected under this
21 section **as follows:**

22 (a) **Assessments ordered and collected before October 1, 2003**
23 **shall be transmitted** to the department of treasury for deposit in
24 the state forensic laboratory fund created in section 3.

25 (b) **Assessments ordered before October 1, 2003, but collected**
26 **on or after October 1, 2003, shall be transmitted to the state**
27 **treasurer for deposit in the justice system fund created in**

1 section 181 of the revised judicature act of 1961, 1961 PA 236,
2 MCL 600.181.

3 Sec. 7. (1) Beginning October 1, 2003, the department of
4 treasury, each month, shall distribute proceeds of the state
5 laboratory fund that are received from the justice system fund
6 under section 181 of the revised judicature act of 1961, 1961 PA
7 236, MCL 600.181, as follows:

8 (a) For the state fiscal year beginning October 1, 2003, 19%
9 to the department of state police to defray the cost of complying
10 with the requirements of DNA profiling and DNA retention under
11 the DNA identification profiling system act, 1990 PA 250, MCL
12 28.171 to 28.176, with the balance of the fund being available
13 for distribution under subsections (2) to (5).

14 (b) For the state fiscal year beginning October 1, 2004 and
15 subsequent state fiscal years, 45% to the department of state
16 police to defray the cost of complying with the requirements of
17 DNA profiling and DNA retention under the DNA identification
18 profiling system act, 1990 PA 250, MCL 28.171 to 28.176, with the
19 balance of the fund being available for distribution under
20 subsections (2) to (5).

21 (2) ~~-(1)-~~ A municipality that maintains a forensic laboratory
22 and that incurred expenses for a forensic test by that laboratory
23 may apply for reimbursement of those expenses on a form provided
24 by the department of treasury.

25 (3) ~~-(2)-~~ A municipality applying under subsection ~~-(1)-~~ (2)
26 shall report to the department of treasury the number of criminal
27 investigations in the preceding year for which the municipality's

1 forensic laboratory performed 1 or more forensic tests. The
2 department of state police shall report to the department of
3 treasury in the manner prescribed by that department the number
4 of criminal investigations in the preceding year for which the
5 department of state police performed 1 or more forensic tests,
6 whether the investigation was conducted by the department of
7 state police or by the law enforcement agency of a municipality.
8 The department of state police shall also report the number of
9 DNA identification profilings performed pursuant to the DNA
10 identification profiling system act, ~~Act No. 250 of the Public~~
11 ~~Acts of 1990, being sections 28.171 to 28.178 of the Michigan~~
12 ~~Compiled Laws~~ **1990 PA 250, MCL 28.171 to 28.176.**

13 **(4)** ~~-(3)-~~ The number of investigations reported pursuant to
14 subsection ~~-(2)-~~ **(3)** shall exclude any investigation reported in
15 a previous year.

16 **(5)** ~~-(4)- The~~ **After the distributions under subsection (1)**
17 **are made, the** department of treasury shall distribute proceeds of
18 the state forensic laboratory fund annually to a municipality
19 applying under this section in an amount determined by
20 multiplying the ~~total~~ **remaining** amount ~~received~~ in the fund
21 for that period by a fraction, the numerator of which is the
22 total of investigations reported pursuant to subsection ~~-(2)-~~ **(3)**
23 by that municipality for that period and the denominator of which
24 is the total of investigations and DNA identification profilings
25 reported pursuant to subsection ~~-(2)-~~ **(3)** for that period. The
26 balance of the ~~total amount received in the~~ fund for that
27 period after distributions ~~to municipalities~~ **under subsection**

1 **(1) and this subsection** shall be credited to the department of
2 state police.

3 **(6) —(5)—** The legislature shall appropriate money in the
4 state forensic laboratory fund credited to the department of
5 state police to that department exclusively for forensic science
6 services. The use of money appropriated pursuant to this section
7 may include, but is not limited to, any of the following:

8 (a) Costs incurred in providing forensic tests in connection
9 with criminal investigations conducted within this state.

10 (b) Purchasing or maintaining equipment used in performing
11 forensic tests.

12 (c) Providing for the continuing education, training, and
13 professional development of regularly employed laboratory
14 personnel.

15 (d) Payment of expenses for implementing and performing
16 procedures for DNA identification profiling under the DNA
17 identification profiling system act, ~~Act No. 250 of the Public~~
18 ~~Acts of 1990~~ **1990 PA 250, MCL 28.171 to 28.176.**

19 **(7) —(6)—** Money appropriated from the state forensic
20 laboratory fund to the division of the department of state police
21 concerned with forensic sciences shall be in addition to any
22 allocations made pursuant to existing law and is intended to
23 enhance appropriations from the general fund and not to replace
24 or supplant those appropriations.

25 ~~(7) Funds credited to the department of state police~~
26 ~~pursuant to this act for the fiscal year ending September 30,~~
27 ~~1994 are appropriated to the department of state police for the~~

1 ~~purposes described in subsection (5).~~

2 Enacting section 1. This amendatory act takes effect

3 October 1, 2003.