

HOUSE BILL No. 4744

May 22, 2003, Introduced by Rep. Steil and referred to the Committee on Judiciary.

A bill to amend 1994 PA 35, entitled
"The forensic laboratory funding act,"
by amending sections 5 and 6 (MCL 12.205 and 12.206), 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 Enacting section 1. This amendatory act takes effect
4 October 1, 2003.