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House Bill 6645 (as passed by the House)
Sponsor: Representative Rebekah Warren
House Committee: Judiciary

CONTENT

The bill would amend the DNA Identification Profiling System Act to require an individual, if his or her DNA sample were inadequate for purposes of analysis, to provide another DNA sample that was adequate for analysis.

Under the Act, if an individual is required by law to provide samples for DNA identification profiling and refuses to do so, or resists providing the samples, he or she is guilty of a misdemeanor punishable by up to one year's imprisonment and/or a fine of up to \$1,000.

(Various statutes require individuals to provide samples of blood, saliva, or tissue for DNA identification profiling. The samples must be transmitted to the Department of State Police pursuant to the DNA Identification Profiling System Act. Under the Corrections Code, a prisoner may not be paroled, placed in a community placement facility, or discharged upon completing his or her sentence until he or she has provided DNA samples. The Michigan Penal Code and the juvenile code require a person to provide DNA samples if he or she is convicted of a felony or attempted felony, convicted of a misdemeanor listed in the Codes, or found responsible for violating a specified section of the Penal Code. Under the Juvenile Facilities Act and the Youth Rehabilitation Services Act, a juvenile who is under the supervision of the Department of Human Services or a county juvenile agency, or who is a public ward under a youth agency's jurisdiction, may not be placed in a community placement or discharged from wardship until he or she has provided DNA samples, if he or she has been convicted of a felony or attempted felony, convicted of a specified misdemeanor, or found responsible for violating a specified section of the Penal Code.)

MCL 28.173a

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on local government. There are no data to indicate how many offenders would be convicted of the refusing to provide a DNA sample or resisting providing a sample. Local governments would incur the costs of misdemeanor probation and incarceration in local facilities, which vary by county. Additional penal fine revenue would benefit public libraries.

Date Completed: 12-12-08

Fiscal Analyst: Lindsay Hollander

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Analysis available @ <http://www.michiganlegislature.org>

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.