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BILL ANALYSIS

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House Bill 6646 (Substitute H-1 as passed by the House)  
Sponsor: Representative Kate Ebli  
House Committee: Judiciary

### **CONTENT**

The bill would amend the DNA Identification Profiling System Act to allow the Department of State Police to use the DNA profiles of DNA samples authorized to be provided under the Act only for one or more of the following purposes:

- Law enforcement identification purposes.
- Assistance in the recovery or identification of human remains or missing people.
- Academic, research, statistical analysis, or protocol development purposes if personal identifiers are removed.

The bill would prohibit DNA samples provided under the Act from being analyzed for identification of any medical or genetic disorder.

(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. The Department must permanently retain a DNA identification profile obtained from a sample of an individual who is convicted of a felony, convicted of a misdemeanor specified in the Act, or found responsible for violating a section of the Michigan Penal Code listed in the Act. The Department may retain any other DNA identification profile it obtained only as long as the sample is needed for a criminal investigation or prosecution. The DNA profiles may be disclosed only as follows:

- To a criminal justice agency for law enforcement identification purposes.
- In a judicial proceeding as authorized or required by a court.
- To a criminal defendant if the DNA profile is used in conjunction with a charge against him or her.
- For an academic, research, statistical analysis, or protocol developmental purpose if personal identifications are removed.)

Proposed MCL 28.175a

Legislative Analyst: Suzanne Lowe

### **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Date Completed: 12-12-08

Fiscal Analyst: Bruce Baker

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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.