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BILL ANALYSIS

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Senate Bill 346 (as introduced 4-26-11)
Sponsor: Senator Tonya Schuitmaker
Committee: Judiciary

Date Completed: 5-9-11

CONTENT

The bill would amend the Corrections Code to revise requirements pertaining to the DNA identification profiling of prisoners, and to extend the DNA profiling requirement to probationers placed under the jurisdiction of the Department of Corrections (DOC) in the special alternative incarceration (SAI) program (which also is known as "boot camp").

Under the Code, a prisoner may not be released on parole, placed in a community placement facility of any kind, or discharged upon completion of his or her maximum sentence until he or she has provided samples for chemical testing for DNA identification profiling or a determination of the sample's genetic markers and has provided samples for a determination of his or her secretor status. Under the bill, instead, each prisoner serving a sentence in a State correctional facility, and each probationer placed at the SAI program, would have to provide a sample for DNA identification profiling. ("Sample" means a portion of blood, saliva, or tissue.)

In addition, if a valid sample had not already been collected in the manner prescribed under the DNA Identification Profiling System Act, and recorded on the prisoner's or probationer's criminal history record, the sample required under the bill would have to be obtained within the time periods described below.

For a prisoner serving a sentence in a State correctional facility or a probationer in an SAI program on June 1, 2011, the sample would have to be obtained by December 1, 2011. If the prisoner or probationer were released on parole, placed in a community placement facility of any kind (including a community corrections center or a community residential home), or discharged upon completion of his or her maximum sentence before December 1, 2011, the sample would have to be obtained before the date of release, placement, or discharge.

For a prisoner serving a sentence in a State correctional facility or a probationer in an SAI program whose sentence began after June 1, 2011, the sample would have to be obtained within 90 days after the date on which the prisoner or probationer was committed to the DOC's jurisdiction.

The Code specifies that the DOC *may* collect a sample regardless of whether the prisoner consents to the collection. Under the bill, the DOC would be required to collect a sample regardless of whether the prisoner consented.

The Code requires a prisoner to pay a \$60 assessment, which the DOC must transmit to the Department of Treasury for the Department of State Police Forensic Science Division to defray the costs associated with the requirements of DNA profiling and DNA retention. Under the bill, the DOC would have to collect the assessment from a prisoner or an SAI probationer.

MCL 791.233d

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government. Under current law, probationers enrolled in programming at the SAI facility are not required to submit DNA samples. To the extent that the Department of Corrections required added resources in order to collect DNA samples from every prisoner and every probationer housed at the SAI facility, additional expenditures could be incurred.

Fiscal Analyst: Matthew Grabowski

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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.