

SENATE BILL No. 1021

August 13, 2014, Introduced by Senators JOHNSON and BIEDA and referred to the Committee on Judiciary.

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 21527 (MCL 333.21527), as added by 1988 PA 3.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 21527. (1) If an individual alleges to a physician or
2 other member of the attending or admitting staff of a hospital that
3 within the preceding ~~24~~120 hours the individual has been the
4 victim of criminal sexual conduct under sections 520a to 520l of the
5 Michigan penal code, ~~Act No. 328 of the Public Acts of 1931, being~~
6 ~~sections 1931 PA 328, MCL 750.520a to 750.520 l of the Michigan~~
7 ~~Compiled Laws, 750.520l~~, the attending health care personnel
8 responsible for examining or treating the individual immediately
9 shall inform the individual of the availability of a sexual assault
10 **MEDICAL FORENSIC EXAMINATION, INCLUDING THE ADMINISTRATION OF A**

1 **SEXUAL ASSAULT** evidence kit. ~~and, with the consent of~~ **IF CONSENTED**
2 **TO BY** the individual, **THE ATTENDING HEALTH CARE PERSONNEL** shall
3 perform or have performed on the individual the **SEXUAL ASSAULT**
4 **MEDICAL FORENSIC EXAMINATION, INCLUDING THE** procedures required by
5 the sexual assault evidence kit. **THE ATTENDING HEALTH CARE**
6 **PERSONNEL SHALL ALSO INFORM THE INDIVIDUAL OF THE PROVISIONS FOR**
7 **PAYMENT FOR THE SEXUAL ASSAULT MEDICAL FORENSIC EXAMINATION UNDER**
8 **SECTION 5A OF 1976 PA 223, MCL 18.355A.**

9 ~~—— (2) For the purposes of this section, the administration of a~~
10 ~~sexual assault evidence kit is not a medical procedure.~~

11 (2) ~~(3)~~ As used in this section, "sexual assault evidence kit"
12 means a standardized set of equipment and written procedures
13 approved by the department of state police ~~which~~ **THAT** have been
14 designed to be administered to an individual principally for the
15 purpose of gathering evidence of sexual conduct, which evidence is
16 of the type offered in court by the forensic science division of
17 the department of state police for prosecuting a case of criminal
18 sexual conduct under sections 520a to ~~520~~ **520/** of the Michigan
19 penal code, ~~Act No. 328 of the Public Acts of 1931.~~ **1931 PA 328,**
20 **MCL 750.520A TO 750.520/.**