

HOUSE BILL No. 4897

September 6, 2017, Introduced by Rep. Kosowski and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1994 PA 35, entitled
"The forensic laboratory funding act,"
by amending sections 3, 7, and 8 (MCL 12.203, 12.207, and 12.208),
section 7 as amended by 2003 PA 99.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. The state forensic laboratory fund is created as a
2 separate fund in the state treasury. The state treasurer shall
3 credit to the fund all amounts received under sections 6 and 9 **AND**
4 **SECTION 811 OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.811.**
5 Money in the fund credited to the department of state police
6 ~~pursuant to~~ **UNDER** section 7 that is not appropriated in a fiscal
7 year shall be credited to the fund to the credit of the department
8 of state police and shall not revert to the general fund. Earnings

1 from the fund shall be credited to the fund.

2 Sec. 7. (1) Beginning October 1, 2003, the department of
3 treasury, each month, shall distribute proceeds of the state
4 laboratory fund that are received from the justice system fund
5 under section 181 of the revised judicature act of 1961, 1961 PA
6 236, MCL 600.181, as follows:

7 (a) For the state fiscal year beginning October 1, 2003, 19%
8 to the department of state police to defray the cost of complying
9 with the requirements of DNA profiling and DNA retention under the
10 DNA identification profiling system act, 1990 PA 250, MCL 28.171 to
11 28.176, with the balance of the fund being available for
12 distribution under subsections (2) to ~~(5)~~ **(6)**.

13 (b) For the state fiscal year beginning October 1, 2004 and
14 subsequent state fiscal years, 45% to the department of state
15 police to defray the cost of complying with the requirements of DNA
16 profiling and DNA retention under the DNA identification profiling
17 system act, 1990 PA 250, MCL 28.171 to 28.176, with the balance of
18 the fund being available for distribution under subsections (2) to
19 ~~(5)~~ **(6)**.

20 **(2) THE DEPARTMENT OF TREASURY SHALL DISTRIBUTE PROCEEDS OF**
21 **THE STATE FORENSIC LABORATORY FUND THAT ARE RECEIVED UNDER SECTION**
22 **811 OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.811, TO THE**
23 **DEPARTMENT OF STATE POLICE TO ELIMINATE THE SEXUAL ASSAULT KIT**
24 **ANALYSIS BACKLOG.**

25 **(3)** ~~(2)~~ A municipality that maintains a forensic laboratory
26 and that incurred expenses for a forensic test by that laboratory
27 may apply for reimbursement of those expenses on a form provided by

1 the department of treasury.

2 **(4)** ~~(3)~~ A municipality applying under subsection ~~(2)~~ **(3)** shall
 3 report to the department of treasury the number of criminal
 4 investigations in the preceding year for which the municipality's
 5 forensic laboratory performed 1 or more forensic tests. The
 6 department of state police shall report to the department of
 7 treasury in the manner prescribed by that department the number of
 8 criminal investigations in the preceding year for which the
 9 department of state police performed 1 or more forensic tests,
 10 whether the investigation was conducted by the department of state
 11 police or by the law enforcement agency of a municipality. The
 12 department of state police shall also report the number of DNA
 13 identification profilings performed ~~pursuant to~~ **UNDER** the DNA
 14 identification profiling system act, 1990 PA 250, MCL 28.171 to
 15 28.176.

16 **(5)** ~~(4)~~ The number of investigations reported ~~pursuant to~~
 17 **UNDER** subsection ~~(3)~~ **(4)** shall exclude any investigation reported
 18 in a previous year.

19 **(6)** ~~(5)~~ After the distributions under ~~subsection~~ **SUBSECTIONS**
 20 (1) **AND** (2) are made, the department of treasury shall distribute
 21 proceeds of the state forensic laboratory fund annually to a
 22 municipality applying under this section in an amount determined by
 23 multiplying the remaining amount in the fund for that period by a
 24 fraction, the numerator of which is the total of investigations
 25 reported ~~pursuant to~~ **UNDER** subsection ~~(3)~~ **(4)** by that municipality
 26 for that period and the denominator of which is the total of
 27 investigations and DNA identification profilings reported ~~pursuant~~

~~to~~ **UNDER** subsection ~~(3)~~ **(4)** for that period. The balance of the fund for that period after distributions under ~~subsection~~ **SUBSECTIONS (1) AND (2)** and this subsection shall be credited to the department of state police.

(7) ~~(6)~~—The legislature shall appropriate money in the state forensic laboratory fund credited to the department of state police to that department exclusively for forensic science services. The use of money appropriated ~~pursuant to~~ **UNDER** this section may include, but is not limited to, any of the following:

(a) Costs incurred in providing forensic tests in connection with criminal investigations conducted within this state.

(b) Purchasing or maintaining equipment used in performing forensic tests.

(c) Providing for the continuing education, training, and professional development of regularly employed laboratory personnel.

(d) Payment of expenses for implementing and performing procedures for DNA identification profiling under the DNA identification profiling system act, 1990 PA 250, MCL 28.171 to 28.176.

(8) ~~(7)~~—Money appropriated from the state forensic laboratory fund to the division of the department of state police concerned with forensic sciences shall be in addition to any allocations made pursuant to existing law and is intended to enhance appropriations from the general fund and not to replace or supplant those appropriations.

Sec. 8. (1) A municipality shall appropriate fees deposited in

1 a forensic laboratory fund established ~~pursuant to~~ **UNDER** section 4
2 to the forensic laboratory maintained by the municipality.

3 (2) Money appropriated ~~pursuant to~~ **UNDER** this section shall be
4 for the exclusive use of the forensic laboratory maintained by the
5 municipality for the same purposes described in section ~~7(5)(a)~~
6 **7(7)(A)** to (c) and shall be in addition to any allocations made
7 pursuant to existing law.

8 Enacting section 1. This amendatory act takes effect 90 days
9 after the date it is enacted into law.

10 Enacting section 2. This amendatory act does not take effect
11 unless Senate Bill No. ____ or House Bill No. 4897 (request no.
12 03849'17) of the 99th Legislature is enacted into law.