

# HOUSE BILL No. 4899

September 6, 2017, Introduced by Rep. Kosowski and referred to the Committee on Tax Policy.

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 435 OF THE INCOME TAX ACT OF 1967, 1967 PA 281, MCL**  
5       **206.435.** Money in the fund credited to the department of state  
6       police pursuant to 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  
9       from the fund shall be credited to the fund.

10       Sec. 7. (1) Beginning October 1, 2003, the department of

1 treasury, each month, shall distribute proceeds of the state  
2 **FORENSIC** laboratory fund that are received from the justice system  
3 fund under section 181 of the revised judicature act of 1961, 1961  
4 PA 236, MCL 600.181, as follows:

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

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

18 **(2) THE DEPARTMENT OF TREASURY SHALL DISTRIBUTE PROCEEDS OF**  
19 **THE STATE FORENSIC LABORATORY FUND THAT ARE RECEIVED UNDER SECTION**  
20 **435 OF THE INCOME TAX ACT OF 1967, 1967 PA 281, MCL 206.435, TO THE**  
21 **DEPARTMENT OF STATE POLICE TO ELIMINATE THE SEXUAL ASSAULT KIT**  
22 **ANALYSIS BACKLOG.**

23 **(3)** ~~(2)~~—A municipality that maintains a forensic laboratory  
24 and that incurred expenses for a forensic test by that laboratory  
25 may apply for reimbursement of those expenses on a form provided by  
26 the department of treasury.

27 **(4)** ~~(3)~~—A municipality applying under subsection ~~(2)~~ **(3)** shall

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

14 (5) ~~(4)~~—The number of investigations reported pursuant to  
 15 subsection ~~(3)~~—(4) shall exclude any investigation reported in a  
 16 previous year.

17 (6) ~~(5)~~—After the distributions under ~~subsection~~ **SUBSECTIONS**  
 18 (1) **AND** (2) are made, the department of treasury shall distribute  
 19 proceeds of the state forensic laboratory fund annually to a  
 20 municipality applying under this section in an amount determined by  
 21 multiplying the remaining amount in the fund for that period by a  
 22 fraction, the numerator of which is the total of investigations  
 23 reported pursuant to subsection ~~(3)~~—(4) by that municipality for  
 24 that period and the denominator of which is the total of  
 25 investigations and DNA identification profilings reported pursuant  
 26 to subsection ~~(3)~~—(4) for that period. The balance of the fund for  
 27 that period after distributions under ~~subsection~~ **SUBSECTIONS** (1)

1 **AND (2)** and this subsection shall be credited to the department of  
2 state police.

3 **(7)** ~~+(6)~~—The legislature shall appropriate money in the state  
4 forensic laboratory fund credited to the department of state police  
5 to that department exclusively for forensic science services. The  
6 use of money appropriated pursuant to this section may include, but  
7 is not limited to, any of the following:

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

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

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

15 (d) Payment of expenses for implementing and performing  
16 procedures for DNA identification profiling under the DNA  
17 identification profiling system act, 1990 PA 250, MCL 28.171 to  
18 28.176.

19 **(8)** ~~+(7)~~—Money appropriated from the state forensic laboratory  
20 fund to the division of the department of state police concerned  
21 with forensic sciences shall be in addition to any allocations made  
22 pursuant to existing law and is intended to enhance appropriations  
23 from the general fund and not to replace or supplant those  
24 appropriations.

25 Sec. 8. (1) A municipality shall appropriate fees deposited in  
26 a forensic laboratory fund established pursuant to section 4 to the  
27 forensic laboratory maintained by the municipality.

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

6           Enacting section 1. This amendatory act does not take effect  
7 unless Senate Bill No. \_\_\_\_\_ or House Bill No. 4899 (request no.  
8 03823'17) of the 99th Legislature is enacted into law.