

SENATE BILL NO. 1165

October 01, 2020, Introduced by Senators BULLOCK, HOLLIER, WOJNO, GEISS, CHANG, BAYER, ANANICH and HERTEL and referred to the Committee on Judiciary and Public Safety.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 21527 (MCL 333.21527), as amended by 2014 PA
320.

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 120 hours the individual has been the victim

1 of criminal sexual conduct under sections 520a to 520l of the
2 Michigan penal code, 1931 PA 328, MCL 750.520a to 750.520l, the
3 attending health care personnel responsible for examining or
4 treating the individual immediately shall inform the individual of
5 the availability of a sexual assault medical forensic examination,
6 including the administration of a sexual assault evidence kit. If
7 consented to by the individual, the attending health care personnel
8 shall perform or have performed on the individual the sexual
9 assault medical forensic examination, including the procedures
10 required by the sexual assault evidence kit. The attending health
11 care personnel shall also inform the individual of the provisions
12 for payment for the sexual assault medical forensic examination
13 under section 5a of 1976 PA 223, MCL 18.355a.

14 **(2) An individual who is informed of the availability of a**
15 **sexual assault medical forensic examination under subsection (1)**
16 **and who is a victim of police sexual misconduct must be provided a**
17 **police sexual misconduct incident report form as provided under**
18 **section 6a of the sexual assault victim's access to justice act,**
19 **2014 PA 319, MCL 752.956a.**

20 **(3) ~~(2)~~As used in this section: ~~"sexual~~**

21 **(a) "Police sexual misconduct" means that term as defined in**
22 **section 2 of the sexual assault victim's access to justice act,**
23 **2014 PA 319, MCL 752.952.**

24 **(b) "Sexual assault evidence kit" means a standardized set of**
25 **equipment and written procedures approved by the department of**
26 **state police that have been designed to be administered to an**
27 **individual principally for the purpose of gathering evidence of**
28 **sexual conduct, which evidence is of the type offered in court by**
29 **the forensic science division of the department of state police for**

1 prosecuting a case of criminal sexual conduct under sections 520a
2 to 520~~l~~ of the Michigan penal code, 1931 PA 328, MCL 750.520a to
3 750.520~~l~~.

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

6 Enacting section 2. This amendatory act does not take effect
7 unless Senate Bill No. 1164 of the 100th Legislature is enacted
8 into law.