

CORRECTIONS CODE OF 1953 (EXCERPT)
Act 232 of 1953

791.233d Samples for DNA identification profiling.

Sec. 33d. (1) Each prisoner serving a sentence in a state correctional facility, and each probationer placed at the special alternative incarceration program under the special alternative incarceration act, 1988 PA 287, MCL 798.11 to 798.18, shall provide a sample for DNA identification profiling. If a valid sample has not already been collected in the manner prescribed under the DNA identification profiling system act, 1990 PA 250, MCL 28.171 to 28.176, and recorded on the prisoner's or probationer's criminal history record, the sample required under this subsection shall be obtained within the following time periods, as applicable:

(a) For a prisoner serving a sentence in a state correctional facility or a probationer in a special alternative incarceration program on June 1, 2011, the samples shall be obtained not later than January 1, 2012. However, if the prisoner or probationer is 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 January 1, 2012, the samples shall be obtained before the date of release, placement, or discharge.

(b) For a prisoner serving a sentence in a state correctional facility or a probationer in a special alternative incarceration program whose sentence begins after June 1, 2011, the samples shall be obtained not later than 90 days after the date on which the prisoner or probationer is committed to the jurisdiction of the department.

(2) If, at the time the prisoner or probationer is to be released, placed, or discharged the department of state police already has a sample from the prisoner or probationer that meets the requirements of the DNA identification profiling system act, 1990 PA 250, MCL 28.171 to 28.176, the prisoner or probationer is not required to provide another sample or pay the fee required under subsection (5).

(3) The samples required to be collected under this section shall be collected by the department and transmitted by the department to the department of state police in the manner prescribed under the DNA identification profiling system act, 1990 PA 250, MCL 28.171 to 28.176.

(4) The department shall collect a sample under this section regardless of whether the prisoner consents to the collection. The department is not required to give the prisoner an opportunity for a hearing or obtain a court order before collecting the sample.

(5) A prisoner or probationer shall pay an assessment of \$60.00. The department shall transmit the assessments or portions of assessments collected 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 prescribed under the DNA identification profiling system act, 1990 PA 250, MCL 28.171 to 28.176.

(6) The DNA profiles of DNA samples received under this section shall only be disclosed as follows:

(a) To a criminal justice agency for law enforcement identification purposes.

(b) In a judicial proceeding as authorized or required by a court.

(c) To a defendant in a criminal case if the DNA profile is used in conjunction with a charge against the defendant.

(d) For an academic, research, statistical analysis, or protocol developmental purpose only if personal identifications are removed.

(7) As used in this section, "sample" means a portion of the blood, saliva, or tissue collected from the prisoner or probationer.

History: Add. 1990, Act 251, Eff. Sept. 1, 1994;—Am. 1994, Act 164, Eff. Sept. 1, 1994;—Am. 1996, Act 509, Imd. Eff. Jan. 9, 1997;—Am. 2001, Act 86, Eff. Jan. 1, 2002;—Am. 2011, Act 127, Imd. Eff. July 21, 2011.

Compiler's note: Section 2 of Act 251 of 1990 provides: "This amendatory act shall not take effect unless the sponsor of this bill provides an enacted source of revenue to fully fund the program and the legislature appropriates sufficient money to fund the program it creates."

Popular name: Department of Corrections Act