



HOUSE BILL No. 5796

April 23, 1996, Introduced by Reps. Whyman, Goschka, McBryde, Lowe, Green and Bush and referred to the Committee on Judiciary and Civil Rights.

A bill to amend Act No. 73 of the Public Acts of 1988, entitled

"The juvenile facilities act,"

as amended, being sections 803.221 to 803.228 of the Michigan Compiled Laws, by adding section 5a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 73 of the Public Acts of 1988, as
2 amended, being sections 803.221 to 803.228 of the Michigan
3 Compiled Laws, is amended by adding section 5a to read as
4 follows:

5 SEC. 5A. THE DEPARTMENT SHALL ENSURE THAT A JUVENILE WHO IS
6 COMMITTED TO A JUVENILE FACILITY FOR A VIOLATION OR AN ATTEMPTED
7 VIOLATION OF SECTION 520B, 520C, 520D, 520E, OR 520G OF THE
8 MICHIGAN PENAL CODE, ACT NO. 328 OF THE PUBLIC ACTS OF 1931,
9 BEING SECTIONS 750.520B, 750.520C, 750.520D, 750.520E, AND

1 750.520G OF THE MICHIGAN COMPILED LAWS, HAS PROVIDED BLOOD
2 SAMPLES FOR CHEMICAL TESTING FOR DNA IDENTIFICATION PROFILING OR
3 A DETERMINATION OF THE BLOOD'S GENETIC MARKERS AND HAS PROVIDED
4 SAMPLES OF HIS OR HER SALIVA FOR CHEMICAL TESTING TO DETERMINE
5 THE SECRETOR STATUS OF THE SALIVA BEFORE THE JUVENILE IS RELEASED
6 FROM THAT JUVENILE FACILITY. HOWEVER, IF AT THE TIME THE JUVE-
7 NILE IS TO BE RELEASED THE DEPARTMENT OF STATE POLICE ALREADY HAS
8 A SAMPLE OF THE JUVENILE'S BLOOD OR SALIVA THAT MEETS THE
9 REQUIREMENTS OF THE RULES PROMULGATED UNDER THE DNA IDENTIFICA-
10 TION PROFILING SYSTEM ACT, ACT NO. 250 OF THE PUBLIC ACTS OF
11 1990, BEING SECTIONS 28.171 TO 28.176 OF THE MICHIGAN COMPILED
12 LAWS, THE JUVENILE IS NOT REQUIRED TO PROVIDE ANOTHER SAMPLE OF
13 THE SAME BODY FLUID. THE BLOOD OR SALIVA SAMPLES REQUIRED TO BE
14 COLLECTED UNDER THIS SECTION SHALL BE COLLECTED BY THE DEPARTMENT
15 AND TRANSMITTED BY THE DEPARTMENT TO THE DEPARTMENT OF STATE
16 POLICE IN THE MANNER PRESCRIBED BY RULES PROMULGATED UNDER THE
17 DNA IDENTIFICATION PROFILING SYSTEM ACT, ACT NO. 250 OF THE
18 PUBLIC ACTS OF 1990.

19 Section 2. This amendatory act shall not take effect unless
20 Senate Bill No. ___ or House Bill No. 5783 (request no. 05773'95)
21 of the 88th Legislature is enacted into law.