



HOUSE BILL No. 6061

September 12, 1996, Introduced by Reps. Hill, Law, Bush, Ryan, Bodem, Rhead, Goschka, Rocca and McManus 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,"

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, being
2 sections 803.221 to 803.228 of the Michigan Compiled Laws, is
3 amended by adding section 5a to read as follows:

4 SEC. 5A. (1) A JUVENILE CONVICTED OF OR FOUND RESPONSIBLE
5 FOR A VIOLATION OF SECTION 91, 316, OR 317 OF THE MICHIGAN PENAL
6 CODE, ACT NO. 328 OF THE PUBLIC ACTS OF 1931, BEING SECTIONS
7 750.91, 750.316, AND 750.317 OF THE MICHIGAN COMPILED LAWS, OR A
8 VIOLATION OR ATTEMPTED VIOLATION OF SECTION 349, 520B, 520C,
9 520D, 520E, OR 520G OF ACT NO. 328 OF THE PUBLIC ACTS OF 1931,

1 BEING SECTIONS 750.349, 750.520B, 750.520C, 750.520D, 750.520E,
2 AND 750.520G OF THE MICHIGAN COMPILED LAWS, WHO IS PLACED IN A
3 JUVENILE FACILITY SHALL NOT BE DISCHARGED FROM WARDSHIP UNTIL HE
4 OR SHE HAS PROVIDED SAMPLES FOR CHEMICAL TESTING FOR DNA IDENTI-
5 FICATION PROFILING OR A DETERMINATION OF THE SAMPLE'S GENETIC
6 MARKERS AND HAS PROVIDED SAMPLES FOR A DETERMINATION OF HIS OR
7 HER SECRETOR STATUS. HOWEVER, IF AT THE TIME THE JUVENILE IS TO
8 BE DISCHARGED THE DEPARTMENT OF STATE POLICE ALREADY HAS A SAMPLE
9 FROM THE JUVENILE THAT MEETS THE REQUIREMENTS OF THE RULES
10 PROMULGATED UNDER THE DNA IDENTIFICATION PROFILING SYSTEM ACT,
11 ACT NO. 250 OF THE PUBLIC ACTS OF 1990, BEING SECTIONS 28.171 TO
12 28.176 OF THE MICHIGAN COMPILED LAWS, THE JUVENILE IS NOT
13 REQUIRED TO PROVIDE ANOTHER SAMPLE.

14 (2) THE SAMPLES REQUIRED TO BE COLLECTED UNDER THIS SECTION
15 SHALL BE COLLECTED BY THE DEPARTMENT AND TRANSMITTED BY THE
16 DEPARTMENT TO THE DEPARTMENT OF STATE POLICE IN THE MANNER PRE-
17 SCRIBED BY RULES PROMULGATED UNDER THE DNA IDENTIFICATION PROFIL-
18 ING SYSTEM ACT, ACT NO. 250 OF THE PUBLIC ACTS OF 1990.

19 (3) THE DEPARTMENT MAY COLLECT A SAMPLE UNDER THIS SECTION
20 REGARDLESS OF WHETHER THE JUVENILE CONSENTS TO THE COLLECTION.
21 THE DEPARTMENT IS NOT REQUIRED TO GIVE THE JUVENILE AN OPPORTU-
22 NITY FOR A HEARING OR OBTAIN A COURT ORDER BEFORE COLLECTING THE
23 SAMPLE.

24 (4) AS USED IN THIS SECTION, "SAMPLE" MEANS A PORTION OF A
25 JUVENILE'S BLOOD, SALIVA, OR TISSUE COLLECTED FROM THE JUVENILE.

1 Section 2. This amendatory act shall not take effect unless
2 all of the following bills of the 88th Legislature are enacted
3 into law:

4 (a) House Bill No. 5783.

5 (b) House Bill No. 5912.

6 (c) Senate Bill No. _____ or House Bill No. 6062

7 (request no. 07768'96).