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Senate Bill 1386 (as introduced 6-17-08)
Sponsor: Senator Gretchen Whitmer
Committee: Judiciary

Date Completed: 9-15-08

CONTENT

The bill would amend the DNA Identification Profiling System Act to prohibit the analysis of DNA samples provided under the Act for identification of any medical or genetic purpose; and specify that the DNA profiles or samples authorized to be provided under the Act could be used only for one or more of the following purposes:

- Law enforcement identification purposes.
- To assist in the recovery or identification of human remains or missing persons.
- Academic, research, statistical analysis, or protocol development purposes only if personal identifiers were removed.

Proposed MCL 28.175

BACKGROUND

The DNA Identification Profiling System Act requires the Michigan Department of State Police to retain permanently a DNA identification profile obtained from a sample (a portion of blood, saliva, or tissue) of an individual who is convicted of a felony, convicted of a misdemeanor specified in the Act, or found responsible for violating a section of the Michigan Penal Code listed in the Act. The listed Penal Code sections prescribe penalties for first- and second-murder, attempted murder, assault with intent to commit murder, manslaughter, kidnapping, criminal sexual conduct (CSC) in the first, second, third, or fourth degree, assault with intent to commit CSC, being a disorderly person, and indecent exposure. The specified misdemeanors include accosting, enticing, or soliciting a child for immoral purposes and prostitution-related offenses.

These DNA profiles may be disclosed only as follows:

- To a criminal justice agency for law enforcement identification purposes.
- In a judicial proceeding as authorized or required by a court.
- To a criminal defendant if the DNA profile is used in conjunction with a charge against him or her.
- For an academic, research, statistical analysis, or protocol developmental purpose if personal identifications are removed.

Various other statutes require the Department of Corrections, law enforcement agencies, the Department of Human Services, and juvenile agencies to collect DNA samples from

people convicted of or found responsible for the offenses described above, and transmit the samples to the State Police.

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Bruce Baker

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.