

**STATE OF MICHIGAN
96TH LEGISLATURE
REGULAR SESSION OF 2011**

Introduced by Senator Schuitmaker

ENROLLED SENATE BILL No. 346

AN ACT to amend 1953 PA 232, entitled "An act to revise, consolidate, and codify the laws relating to probationers and probation officers, to pardons, reprieves, commutations, and paroles, to the administration of correctional institutions, correctional farms, and probation recovery camps, to prisoner labor and correctional industries, and to the supervision and inspection of local jails and houses of correction; to provide for the siting of correctional facilities; to create a state department of corrections, and to prescribe its powers and duties; to provide for the transfer to and vesting in said department of powers and duties vested by law in certain other state boards, commissions, and officers, and to abolish certain boards, commissions, and offices the powers and duties of which are transferred by this act; to allow for the operation of certain facilities by private entities; to prescribe the powers and duties of certain other state departments and agencies; to provide for the creation of a local lockup advisory board; to provide for a lifetime electronic monitoring program; to prescribe penalties for the violation of the provisions of this act; to make certain appropriations; to repeal certain parts of this act on specific dates; and to repeal all acts and parts of acts inconsistent with the provisions of this act," by amending section 33d (MCL 791.233d), as amended by 2001 PA 86.

The People of the State of Michigan enact:

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.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Sam E. Randall

Clerk of the House of Representatives

Approved

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Governor