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Senate Bill 998 (as introduced 6-12-14)
Sponsor: Senator Rick Jones
Committee: Judiciary

Date Completed: 8-12-14

CONTENT

The bill would create a new statute to do the following:

- **Create a commission within the Domestic Violence Prevention and Treatment Board and require it to develop and implement a system of tracking information obtained from sexual assault evidence kits.**
- **Require the Michigan Department of State Police (MSP) to develop a database of information regarding the administration and storage of sexual assault evidence kits.**
- **Allow information obtained by the commission from sexual assault evidence kits to be entered into the MSP database.**
- **Provide that information in the database would be confidential and would not be subject to the Freedom of Information Act (FOIA).**

The bills title states that it is a bill to create the "Sexual Assault Evidence Kit Tracking and Reporting Act".

Commission

The bill would create the Sexual Assault Evidence Kit Tracking and Reporting Commission within the Domestic Violence Prevention and Treatment Board (in the Department of Human Services). The Commission would consist of the following members:

- The MSP Director, or his or her designee from within the MSP.
- The Attorney General, or his or her designee from within the Department of Attorney General.
- A county prosecuting attorney appointed by the Governor, or the prosecutor's designee from within the county prosecuting attorney's office.
- A village, city, or township chief of police appointed by the Governor, or the chief's designee from with the police department.
- A county sheriff appointed by the Governor, or the sheriff's designee from within the sheriff's office.
- One member of the Domestic Violence Prevention and Treatment Board, appointed by the Governor.
- One member of the Michigan Coalition to End Domestic and Sexual Violence, appointed by the Governor.
- One individual, appointed by the Governor, representing the interests of hospitals.
- One member of the Governor's office, appointed by the Governor.
- One individual, appointed by the Governor, representing the Michigan Commission on Law Enforcement Standards (MCOLES).

- One State Senator, from the majority party, appointed by the Senate Majority Leader.
- One State Senator, from the minority party, appointed by the Senate Minority Leader.
- One State Representative, from the majority party, appointed by the Speaker of the House.
- One State Representative, from the minority party, appointed by the House Minority Leader.

The members first appointed to the Commission would have to be appointed within 90 days after the bill's effective date. Members would serve staggered, four-year terms. If there were a vacancy on the Commission, the Governor would have to appoint a new member for the unexpired term in the same manner as the original appointment. The Governor could remove a member of the Commission for incompetence, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or for any other good cause.

The Commission's first meeting would have to be called by the MSP Director or his or her designee. At the first meeting, the Commission would have to elect a chairperson and other officers in considered necessary or appropriate. The Commission then would have to meet quarterly, or more frequently at the call of the chairperson or if requested by at least six members.

The Commission would be subject to the Open Meetings Act and its documents would be subject to FOIA.

Commission members would serve without compensation, but could be reimbursed for their actual and necessary expenses incurred in the performance of their official duties.

Duties & Responsibilities

The Commission would have to do all of the following by June 1, 2017:

- Develop and implement a uniform system to track information obtained from the administration of sexual assault evidence kits in Michigan.
- Develop and implement a uniform system to audit the proper submission of assault evidence kit information to be provided under the proposed Act.
- Identify and secure public and private funding to implement the Act's requirements.

Information obtained by the Commission from the administration of sexual assault evidence kits could be entered into the MSP database required by the bill, as directed by the Commission.

MSP Database

The bill would require the MSP to develop a database of information regarding the administration and storage of sexual assault evidence kits as directed by the Commission.

Information in the database would be confidential and could not be disclosed to anyone, except as determined by the Commission only for purposes of the proposed Act. Information submitted to the MSP for inclusion in the database, and information in the database, would not be subject to disclosure under FOIA.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The Department of Human Services estimates that the bill could result in approximately \$45,000 in expenditures. The estimated costs to operate the proposed Commission, including travel reimbursement for members and the procurement of materials and other

supplies, could add up to approximately \$25,000. The costs to establish and maintain a database and tracking system within the Department are estimated to be \$20,000.

The bill also would require the Michigan State Police to develop and maintain a database of information regarding the administration and storage of sexual assault evidence kits as directed by the proposed Commission, resulting in a cost of \$50,000 or more – depending upon whether the database was outsourced or developed through the Department of Technology, Management, and Budget.

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.