

**SUBSTITUTE FOR
SENATE BILL NO. 998**

A bill to create the sexual assault evidence kit tracking and reporting act; to require the tracking and reporting of sexual assault evidence kit information; to create the sexual assault evidence kit tracking and reporting commission; to prescribe the powers and duties of the sexual assault evidence kit tracking and reporting commission; to create a database of information to track and report sexual assault evidence kit information; to make appropriations for various state departments and agencies for the fiscal year ending September 30, 2014, and every subsequent fiscal year, and to provide for the expenditure of the appropriations; and to prescribe the powers and duties of certain state departments and officials.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Commission" means the sexual assault evidence kit
3 tracking and reporting commission created in section 2.

4 (b) "Michigan domestic and sexual violence prevention and
5 treatment board" means the Michigan domestic and sexual violence
6 prevention and treatment board created under EO 2012-17.

7 (c) "Sexual assault evidence kit" means that term as defined
8 in section 21527 of the public health code, 1978 PA 368, MCL
9 333.21527.

10 Sec. 2. (1) The sexual assault evidence kit tracking and
11 reporting commission is created within the Michigan domestic and
12 sexual violence prevention and treatment board. The commission
13 shall consist of the following members:

14 (a) The director of the department of state police or his or
15 her designated representative from within the department of state
16 police.

17 (b) The attorney general or his or her designated
18 representative from within the department of the attorney general.

19 (c) The president of the prosecuting attorneys association of
20 Michigan or his or her representative.

21 (d) The president of the Michigan association of chiefs of
22 police or his or her representative.

23 (e) The president of the Michigan sheriff's association or his
24 or her representative.

25 (f) The executive director of the Michigan domestic and sexual
26 violence prevention and treatment board or his or her
27 representative.

1 (g) The executive director of the Michigan coalition to end
2 domestic and sexual violence or his or her representative.

3 (h) The president of the Michigan health and hospital
4 association or his or her representative.

5 (i) A representative appointed by the governor from the
6 executive office of the governor.

7 (j) The president of the Michigan chapter of the international
8 association of forensic nurses or his or her representative.

9 (k) The chairperson of the Michigan crime victim services
10 commission described in section 2 of 1976 PA 223, MCL 18.352, or
11 his or her representative.

12 (l) One individual appointed by the senate majority leader who
13 is a state senator from the majority party within the state senate.

14 (m) One individual appointed by the senate minority leader who
15 is a state senator from the minority party within the state senate.

16 (n) One individual appointed by the speaker of the house of
17 representatives who is a state representative from the majority
18 party within the state house of representatives.

19 (o) One individual appointed by the minority leader of the
20 house of representatives who is a state representative from the
21 minority party within the state house of representatives.

22 (2) The members first appointed to the commission under
23 subsection (1) (l) to (o) shall be appointed within 90 days after the
24 effective date of this act.

25 (3) If a vacancy occurs on the commission, the appropriate
26 entity shall make an appointment in the same manner as the original
27 appointment.

1 (4) The first meeting of the commission shall be called by the
2 director of the department of state police or his or her designated
3 representative or the executive director of the Michigan domestic
4 and sexual violence prevention and treatment board no later than 30
5 days after the effective date of this act. At the first meeting,
6 the commission shall elect from among its members a chairperson and
7 other officers as it considers necessary or appropriate. After the
8 first meeting, the commission shall meet at least quarterly, or
9 more frequently at the call of the chairperson or if requested by 7
10 or more members until the requirements of subsection (8) are met.
11 After the requirements of subsection (8) are met, the commission
12 shall meet as often as required to carry out the requirements of
13 subsection (11).

14 (5) A majority of the members of the commission constitute a
15 quorum for the transaction of business at a meeting of the
16 commission. A majority of the members present and serving are
17 required for official action of the commission.

18 (6) The business that the commission may perform shall be
19 conducted at a public meeting of the commission held in compliance
20 with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

21 (7) A writing prepared, owned, used, in the possession of, or
22 retained by the commission in the performance of an official
23 function is subject to the freedom of information act, 1976 PA 442,
24 MCL 15.231 to 15.246.

25 (8) The commission shall do all of the following no later than
26 365 days after its initial meeting:

27 (a) Develop guidelines and a plan to implement a uniform

1 statewide system to track the location, lab submission status,
2 completion of forensic testing, and storage of sexual assault
3 evidence kits, and to determine who has access to the information.

4 (b) Develop guidelines and a plan to implement a uniform
5 system to audit the proper submission of sexual assault evidence
6 kits as mandated in the sexual assault kit evidence submission act,
7 2014 PA 227, MCL 752.931 to 752.935.

8 (c) Develop guidelines and a plan to implement a secure
9 electronic access that allows a victim, or his or her designee, to
10 access or receive information about the location, lab submission
11 status, and storage of sexual assault evidence that was gathered
12 from him or her, provided that the disclosure does not impede or
13 compromise an ongoing investigation.

14 (d) Develop guidelines and a plan to implement a uniform
15 system to audit untested sexual assault evidence kits that have
16 been released by the victim and were collected 30 days before the
17 effective date of the sexual assault kit evidence submission act,
18 2014 PA 227, MCL 752.931 to 752.935.

19 (e) Develop guidelines and a plan to safeguard confidentiality
20 of the information and limited disclosure.

21 (f) Recommend sources of public and private funding to
22 implement the plans developed under this subsection.

23 (g) Recommend any changes to law or policy needed to support
24 implementation of the plans developed under this subsection.

25 (h) Submit a report on the plans developed under this
26 subsection to all of the following:

27 (i) The standing committees of the senate and house of

1 representatives with jurisdiction over issues pertaining to the
2 prosecution of criminal sexual conduct.

3 (ii) The senate and house of representatives appropriations
4 subcommittees on the departments of state police and the attorney
5 general.

6 (iii) The senate and house fiscal agencies.

7 (9) Subject to appropriation of sufficient funding, the
8 commission shall oversee implementation of the plans developed
9 under subsection (8).

10 (10) There is appropriated \$25,000.00 for the department of
11 human services for the fiscal year ending 2014 and each fiscal year
12 after that. The funds appropriated under this subsection shall be
13 used only to implement and carry out the purposes of this act.

14 (11) The commission shall be abolished as follows:

15 (a) If funds are not appropriated to implement the plan
16 developed under subsection (8), the commission shall be abolished 2
17 years after the date on which the report described in subsection
18 (8)(h) was submitted.

19 (b) If funds are appropriated to implement the plan developed
20 under subsection (8), the commission shall be abolished upon the
21 final implementation of the plan.