

**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, 2015, 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

1 representative.

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

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

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

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

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

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

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

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

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

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

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

1 appointment.

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

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

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

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

27 (8) The commission shall do all of the following no later than

1 365 days after its initial meeting:

2 (a) Develop guidelines and a plan to implement a uniform
3 statewide system to track the location, lab submission status,
4 completion of forensic testing, and storage of sexual assault
5 evidence kits. However, access to any information collected through
6 the statewide system created under this act of unreleased or unused
7 sexual assault evidence kits shall only be disclosed to specific
8 entities selected and identified by the commission that will use
9 the information only for policy or training purposes and to sexual
10 assault victims or their designees as described in subdivision (c).
11 Information collected from an unreleased sexual assault evidence
12 kit shall not contain any information identifying the victim to
13 whom the kit is associated.

14 (b) Develop guidelines and a plan to implement a uniform
15 system to audit the proper submission of sexual assault evidence
16 kits as mandated in the sexual assault kit evidence submission act,
17 2014 PA 227, MCL 752.931 to 752.935.

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

24 (d) Develop guidelines and a plan to implement a uniform
25 system to audit untested sexual assault evidence kits that have
26 been released by the victim and were collected 30 days before the
27 effective date of the sexual assault kit evidence submission act,

1 2014 PA 227, MCL 752.931 to 752.935.

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

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

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

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

10 (i) The standing committees of the senate and house of
11 representatives with jurisdiction over issues pertaining to the
12 prosecution of criminal sexual conduct.

13 (ii) The senate and house of representatives appropriations
14 subcommittees on the departments of state police and the attorney
15 general.

16 (iii) The senate and house fiscal agencies.

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

20 (10) There is appropriated \$25,000.00 for the department of
21 human services for the fiscal year ending September 30, 2015 and
22 each fiscal year after that. The funds appropriated under this
23 subsection shall be used only to implement and carry out the
24 purposes of this act.

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

26 (a) If funds are not appropriated to implement the plan
27 developed under subsection (8), the commission shall be abolished 2

1 years after the date on which the report described in subsection
2 (8)(h) was submitted.

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

6 Enacting section 1. This act takes effect January 1, 2015.