

SENATE BILL No. 998

June 12, 2014, Introduced by Senators JONES and JOHNSON and referred to the Committee on Judiciary.

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; 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) "Sexual assault evidence kit" means that term as defined

1 in section 21527 of the public health code, 1978 PA 368, MCL
2 333.21527.

3 Sec. 2. (1) The sexual assault evidence kit tracking and
4 reporting commission is created within the domestic violence
5 prevention and treatment board created under section 2 of 1978 PA
6 389, MCL 400.1502. The commission shall consist of the following
7 members:

8 (a) The director of the department of state police or his or
9 her designated representative from within the department of state
10 police.

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

13 (c) A county prosecuting attorney appointed by the governor or
14 his or her designated representative from within the county
15 prosecuting attorney's office.

16 (d) The chief of police of a village, city, or township police
17 department appointed by the governor or his or her designated
18 representative from within the police department of that village,
19 city, or township.

20 (e) A county sheriff appointed by the governor or his or her
21 designated representative from within that county sheriff's office.

22 (f) One individual appointed by the governor who is a member
23 of the domestic violence prevention and treatment board created
24 under section 2 of 1978 PA 389, MCL 400.1502.

25 (g) One individual appointed by the governor who is a member
26 of the Michigan coalition to end domestic and sexual violence.

1 (h) One individual representing the interests of hospitals
2 appointed by the governor.

3 (i) One individual appointed by the governor who is an
4 employee of the executive office of the governor.

5 (j) One individual appointed by the governor who represents
6 the Michigan commission on law enforcement standards created under
7 the commission on law enforcement standards act, 1965 PA 203, MCL
8 28.601 to 28.616.

9 (k) One individual appointed by the senate majority leader who
10 is a state senator from the majority party within the state senate.

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

13 (m) One individual appointed by the speaker of the house of
14 representatives who is a state representative from the majority
15 party within the state house of representatives.

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

19 (2) The members first appointed to the commission under
20 subsection 1(c) to (n) shall be appointed within 90 days after the
21 effective date of this act.

22 (3) Members of the commission shall serve for terms of 4 years
23 or until a successor is appointed, whichever is later, except that
24 of the members first appointed under subsection (1)(c) to (n), 4
25 shall serve for 1 year, 4 shall serve for 2 years, and 4 shall
26 serve for 3 years.

27 (4) If a vacancy occurs on the commission, the governor shall

1 make an appointment for the unexpired term in the same manner as
2 the original appointment.

3 (5) The governor may remove a member of the commission for
4 incompetence, dereliction of duty, malfeasance, misfeasance, or
5 nonfeasance in office, or any other good cause.

6 (6) The first meeting of the commission shall be called by the
7 director of the department of state police or his or her designated
8 representative. At the first meeting, the commission shall elect
9 from among its members a chairperson and other officers as it
10 considers necessary or appropriate. After the first meeting, the
11 commission shall meet at least quarterly, or more frequently at the
12 call of the chairperson or if requested by 6 or more members.

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

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

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

24 (10) Members of the commission shall serve without
25 compensation. However, members of the commission may be reimbursed
26 for their actual and necessary expenses incurred in the performance
27 of their official duties as members of the commission.

1 (11) The commission shall do all of the following by June 1,
2 2017:

3 (a) Develop and implement a uniform system to track
4 information obtained from the administration of sexual assault
5 evidence kits in this state. Information obtained by the commission
6 under this subdivision may be entered into the sexual assault
7 evidence kit information database created in section 3, as directed
8 by the commission.

9 (b) Develop and implement a uniform system to audit the proper
10 submission of assault evidence kit information to be provided under
11 this act for purposes of subdivision (a).

12 (c) Identify and secure public and private funding to
13 implement the requirements of this act.

14 Sec. 3. (1) The department of state police shall develop a
15 database of information regarding the administration and storage of
16 sexual assault evidence kits as directed by the commission under
17 section 2.

18 (2) Information in the database described in subsection (1) is
19 confidential and shall not be disclosed to any person except as
20 determined by the commission for purposes of this act only.
21 Information submitted to the department of state police for
22 inclusion in the database described in subsection (1), and
23 information in the database, is not subject to disclosure under the
24 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.