SEXUAL ASSAULT EVIDENCE KIT TRACKING AND REPORTING
Act 318 of 2014

AN ACT 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.

History: 2014, Act 318, Eff. Jan. 1, 2015.

The People of the State of Michigan enact:

752.961 Definitions.

Sec. 1. As used in this act:

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

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

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

History: 2014, Act 318, Eff. Jan. 1, 2015.

752.962 Sexual assault evidence kit tracking and reporting commission; creation; membership; appointment; vacancy; meetings; election of chairperson and officers; quorum; business conducted at public meeting; writing subject to freedom of information act; duties after initial meeting; implementation of plans; appropriation; abolishment of commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) The members first appointed to the commission under subsection (1)(i) and (*l*) to (o) shall be appointed

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within 90 days after the effective date of this act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(*iii*) The senate and house fiscal agencies.

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

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

(11) The commission shall be abolished as follows:

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

(b) If funds are appropriated to implement the plan developed under subsection (8), the commission shall

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be abolished upon the final implementation of the plan.

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