

**[No. 88]**

**(HB 4610)**

AN ACT to amend 1990 PA 250, entitled "An act to provide for a DNA identification profiling system; to provide for the collection of samples from certain prisoners, convicted offenders, and juvenile offenders and the analysis of those samples; and to prescribe the powers and duties of certain state departments and county agencies," by amending section 2 (MCL 28.172), as amended by 1996 PA 508, and by adding section 3a.

*The People of the State of Michigan enact:*

**28.172 Definitions.**

Sec. 2. As used in this act:

- (a) "Department" means the department of state police.
- (b) "DNA identification profile" means the results of the DNA identification profiling of a sample.
- (c) "DNA identification profiling" means a validated scientific method of analyzing components of deoxyribonucleic acid molecules in a biological specimen to determine a match or a nonmatch between a reference sample and an evidentiary sample.
- (d) "Felony" means a violation of a penal law of this state for which the offender may be punished by imprisonment for more than 1 year or an offense expressly designated by law to be a felony.
- (e) "Investigating law enforcement agency" means the law enforcement agency responsible for the investigation of the offense for which the individual is convicted. Investigating law enforcement agency includes the county sheriff but does not include a probation officer employed by the department of corrections.
- (f) "Sample" means a portion of an individual's blood, saliva, or tissue collected from the individual.

**28.173a DNA identification profiling; refusal to supply samples as misdemeanor; existing sample.**

Sec. 3a. (1) An individual required by law to provide samples for DNA identification profiling who refuses to provide or resists providing those samples is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both. The individual shall be advised that his or her resistance or refusal to provide samples described in this subsection is a misdemeanor.

(2) If at the time an individual who is required by law to provide samples for DNA identification profiling is convicted the investigating law enforcement agency or the department already has a sample from the individual that meets the requirements of the rules promulgated under this act, the individual is not required to provide another sample.

**Effective date.**

Enacting section 1. This amendatory act takes effect January 1, 2002.

**Conditional effective date.**

Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 91st Legislature are enacted into law:

- (a) Senate Bill No. 389.
- (b) Senate Bill No. 393.

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- (c) Senate Bill No. 394.
- (d) House Bill No. 4611.
- (e) House Bill No. 4612.
- (f) House Bill No. 4613.
- (g) House Bill No. 4633.

This act is ordered to take immediate effect.

Approved July 26, 2001.

Filed with Secretary of State July 26, 2001.

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**Compiler's note:** The bills referred to in enacting section 2 were enacted into law as follows:

Senate Bill No. 389 was filed with the Secretary of State July 26, 2001, and became P.A. 2001, No. 87, Eff. Jan. 1, 2002.

Senate Bill No. 393 was filed with the Secretary of State July 26, 2001, and became P.A. 2001, No. 90, Eff. Jan. 1, 2002.

Senate Bill No. 394 was filed with the Secretary of State July 26, 2001, and became P.A. 2001, No. 84, Eff. Jan. 1, 2002.

House Bill No. 4611 was filed with the Secretary of State July 26, 2001, and became P.A. 2001, No. 91, Eff. Jan. 1, 2002.

House Bill No. 4612 was filed with the Secretary of State July 26, 2001, and became P.A. 2001, No. 86, Eff. Jan. 1, 2002.

House Bill No. 4613 was filed with the Secretary of State July 26, 2001, and became P.A. 2001, No. 89, Eff. Jan. 1, 2002.

House Bill No. 4633 was filed with the Secretary of State July 26, 2001, and became P.A. 2001, No. 85, Eff. Jan. 1, 2002.

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