

**SUBSTITUTE FOR  
SENATE BILL NO. 393**

A bill to amend 1988 PA 73, entitled  
"The juvenile facilities act,"  
by amending section 5a (MCL 803.225a), as amended by 1998 PA  
521.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 5a. (1) A juvenile convicted of or found responsible  
2 for a violation of section 83, 91, 316, ~~or~~ 317, OR 321 of the  
3 Michigan penal code, 1931 PA 328, MCL 750.83, 750.91, 750.316,  
4 ~~and~~ 750.317, AND 750.321, or a violation or attempted violation  
5 of section 349, 520b, 520c, 520d, 520e, or 520g of the Michigan  
6 penal code, 1931 PA 328, MCL 750.349, 750.520b, 750.520c,  
7 750.520d, 750.520e, and 750.520g, who is under the supervision of  
8 the department or a county juvenile agency under section 18 of  
9 chapter XIIIA of 1939 PA 288, MCL 712A.18, shall not be placed in  
10 a community placement of any kind and shall not be discharged

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1 from wardship until he or she has provided samples for chemical  
2 testing for DNA identification profiling or a determination of  
3 the sample's genetic markers and has provided samples for a  
4 determination of his or her secretor status. However, if, at the  
5 time the juvenile is to be discharged from wardship, the depart-  
6 ment of state police already has a sample from the juvenile that  
7 meets the requirements of the rules promulgated under the DNA  
8 identification profiling system act, 1990 PA 250, MCL 28.171 to  
9 28.176, the juvenile is not required to provide another sample.

10 (2) The samples required to be collected under this section  
11 shall be collected by the department or county juvenile agency,  
12 as applicable, and transmitted by the department or county juve-  
13 nile agency to the department of state police in the manner pre-  
14 scribed by rules promulgated under the DNA identification profil-  
15 ing system act, 1990 PA 250, MCL 28.171 to 28.176.

16 (3) The department or county juvenile agency may collect a  
17 sample under this section regardless of whether the juvenile con-  
18 sents to the collection. The department or county juvenile  
19 agency is not required to give the juvenile an opportunity for a  
20 hearing or obtain a court order before collecting the sample.

21 (4) As used in this section, "sample" means a portion of a  
22 juvenile's blood, saliva, or tissue collected from the juvenile.

23 Enacting section 1. This amendatory act takes effect  
24 October 1, 2001.

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

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- 1 (a) Senate Bill No. 389.
- 2 (b) Senate Bill No. 390.
- 3 (c) Senate Bill No. 391.
- 4 (d) Senate Bill No. 392.
- 5 (e) Senate Bill No. 394.