

HOUSE BILL No. 4738

May 9, 2007, Introduced by Reps. Pearce, Stahl, Steil, Green, Agema, Rick Jones, Wenke, Pastor and Meadows and referred to the Committee on Judiciary.

A bill to amend 1953 PA 232, entitled
"Corrections code of 1953,"
by amending section 33d (MCL 791.233d), as amended by 2001 PA 86.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 33d. (1) ~~A EACH prisoner shall not be released on parole,~~
2 ~~placed in a community placement facility of any kind, including a~~
3 ~~community corrections center or a community residential home, or~~
4 ~~discharged upon completion of his or her maximum sentence until he~~
5 ~~or she has provided~~ **SERVING A SENTENCE IN A STATE CORRECTIONAL**
6 **FACILITY SHALL PROVIDE** samples for chemical testing for DNA
7 identification profiling or a determination of the sample's genetic
8 markers and ~~has provided~~ samples for a determination of his or her
9 secretor status. ~~However, if~~ **THE SAMPLES REQUIRED UNDER THIS**

1 SUBSECTION SHALL BE OBTAINED WITHIN THE FOLLOWING TIME PERIODS, AS
2 APPLICABLE:

3 (A) FOR A PRISONER SERVING A SENTENCE IN A STATE CORRECTIONAL
4 FACILITY ON JANUARY 1, 2008, THE SAMPLES SHALL BE OBTAINED NOT
5 LATER THAN JULY 1, 2008. HOWEVER, IF THE PRISONER IS RELEASED ON
6 PAROLE, PLACED IN A COMMUNITY PLACEMENT FACILITY OF ANY KIND,
7 INCLUDING A COMMUNITY CORRECTIONS CENTER OR A COMMUNITY RESIDENTIAL
8 HOME, OR DISCHARGED UPON COMPLETION OF HIS OR HER MAXIMUM SENTENCE
9 BEFORE JULY 1, 2008, THE SAMPLES SHALL BE OBTAINED BEFORE THE DATE
10 OF RELEASE, PLACEMENT, OR DISCHARGE.

11 (B) FOR A PRISONER WHOSE SENTENCE IN A STATE CORRECTIONAL
12 FACILITY BEGINS AFTER JANUARY 1, 2008, THE SAMPLES SHALL BE
13 OBTAINED NOT LATER THAN 30 DAYS AFTER THE DATE ON WHICH THE
14 PRISONER IS COMMITTED TO THE JURISDICTION OF THE DEPARTMENT.

15 (2) IF, at the time the prisoner is to be released, placed, or
16 discharged, the department of state police already has a sample
17 from the prisoner that meets the requirements of the DNA
18 identification profiling system act, 1990 PA 250, MCL 28.171 to
19 28.176, the prisoner is not required to provide another sample
20 UNDER SUBSECTION (1) or pay the fee—ASSESSMENT required under
21 subsection ~~(4)~~—(5).

22 (3) ~~(2)~~—The samples required to be collected under this
23 section shall be collected by the department and transmitted by the
24 department to the department of state police in the manner
25 prescribed under the DNA identification profiling system act, 1990
26 PA 250, MCL 28.171 to 28.176.

27 (4) ~~(3)~~—The department may collect a sample under this section

1 regardless of whether the prisoner consents to the collection. The
2 department is not required to give the prisoner an opportunity for
3 a hearing or obtain a court order before collecting the sample.

4 (5) ~~(4)~~—A prisoner shall pay an assessment of \$60.00. The
5 department shall transmit the assessments or portions of
6 assessments collected to the department of treasury for the
7 department of state police forensic science division to defray the
8 costs associated with the requirements of DNA profiling and DNA
9 retention prescribed under the DNA identification profiling system
10 act, 1990 PA 250, MCL 28.171 to 28.176.

11 (6) ~~(5)~~—The DNA profiles of DNA samples received under this
12 section shall only be disclosed as follows:

13 (a) To a criminal justice agency for law enforcement
14 identification purposes.

15 (b) In a judicial proceeding as authorized or required by a
16 court.

17 (c) To a defendant in a criminal case if the DNA profile is
18 used in conjunction with a charge against the defendant.

19 (d) For an academic, research, statistical analysis, or
20 protocol developmental purpose only if personal identifications are
21 removed.

22 (7) ~~(6)~~—As used in this section, "sample" means a portion of a
23 prisoner's blood, saliva, or tissue collected from the prisoner.