

HOUSE BILL No. 6172

June 12, 2018, Introduced by Reps. Brinks, Sabo, Cochran, Chang, Lasinski, Guerra, Geiss, Greig, Love, Green, Pagan, Yancey, Gay-Dagnogo, Wittenberg, Rabhi and Jones and referred to the Committee on Law and Justice.

A bill to amend 1974 PA 150, entitled "Youth rehabilitation services act," by amending section 7a (MCL 803.307a), as amended by 2001 PA 85.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7a. (1) A public ward under a youth agency's jurisdiction
2 ~~shall~~ **MUST** not be placed in a community placement of any kind and
3 ~~shall~~ **MUST** not be discharged from wardship until he or she has
4 provided samples for chemical testing for DNA identification
5 profiling or a determination of the sample's genetic markers and
6 has provided samples for a determination of his or her secretor
7 status if any of the following apply:

8 (a) The public ward has been found responsible for a violation
9 of section 83, 91, 316, 317, or 321 of the Michigan penal code,

1 1931 PA 328, MCL 750.83, 750.91, 750.316, 750.317, and 750.321, or
 2 a violation or attempted violation of section 349, 520b, 520c,
 3 520d, 520e, or 520g of the Michigan penal code, 1931 PA 328, MCL
 4 750.349, 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g, or a
 5 violation of section 167(1)(c) or (f) or 335a of the Michigan penal
 6 code, 1931 PA 328, MCL 750.167 and 750.335a, or a local ordinance
 7 substantially corresponding to section 167(1)(c) or (f) or 335a of
 8 the Michigan penal code, 1931 PA 328, MCL 750.167 and 750.335a.

9 (b) The public ward has been convicted of a felony or
 10 attempted felony, or any of the following misdemeanors, or local
 11 ordinances that are substantially corresponding to the following
 12 misdemeanors:

13 (i) A violation of section 145a of the Michigan penal code,
 14 1931 PA 328, MCL 750.145a, enticing a child for immoral purposes.

15 (ii) A violation of section 167(1)(c), (f), or (i) of the
 16 Michigan penal code, 1931 PA 328, MCL 750.167, disorderly person by
 17 window peeping, engaging in indecent or obscene conduct in public,
 18 or loitering in a house of ill fame or ~~prostitution~~. **A HOUSE IN**

19 **WHICH COMMERCIAL SEX ACTS ARE COMMITTED.**

20 (iii) A violation of section 335a of the Michigan penal code,
 21 1931 PA 328, MCL 750.335a, indecent exposure.

22 (iv) A violation of section 451 of the Michigan penal code,
 23 1931 PA 328, MCL 750.451, first and second ~~prostitution~~ **COMMERCIAL**
 24 **SEX** violations.

25 (v) A violation of section 454 of the Michigan penal code,
 26 1931 PA 328, MCL 750.454, leasing a house for purposes of
 27 ~~prostitution~~. **COMMERCIAL SEX.**

1 (vi) A violation of section 462 of the Michigan penal code,
2 1931 PA 328, MCL 750.462, female under the age of 17 in a house of
3 prostitution.**IN WHICH COMMERCIAL SEX ACTS ARE COMMITTED.**

4 (2) Notwithstanding subsection (1), if at the time the public
5 ward is convicted of or found responsible for the violation the
6 investigating law enforcement agency or the department of state
7 police already has a sample from the public ward that meets the
8 requirements of the DNA identification profiling system act, 1990
9 PA 250, MCL 28.171 to 28.176, the public ward is not required to
10 provide another sample or pay the fee required under subsection
11 (6).

12 (3) The samples required to be collected under this section
13 ~~shall~~**MUST** be collected by the youth agency and transmitted to the
14 department of state police in the manner prescribed under the DNA
15 identification profiling system act, 1990 PA 250, MCL 28.171 to
16 28.176.

17 (4) The youth agency may collect a sample under this section
18 regardless of whether the public ward consents to the collection.
19 The youth agency is not required to give the public ward an
20 opportunity for a hearing or obtain a court order before collecting
21 the sample.

22 (5) The DNA profiles of DNA samples received under this
23 section ~~shall~~**MUST** only be disclosed as follows:

24 (a) To a criminal justice agency for law enforcement
25 identification purposes.

26 (b) In a judicial proceeding as authorized or required by a
27 court.

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

3 (d) For an academic, research, statistical analysis, or
4 protocol developmental purpose only if personal identifications are
5 removed.

6 (6) A public ward found responsible for or convicted of 1 or
7 more crimes listed in subsection (1) shall pay an assessment of
8 \$60.00. The department shall transmit the assessments or portions
9 of assessments collected to the department of treasury for the
10 department of state police forensic science division to defray the
11 costs associated with the requirements of DNA profiling and DNA
12 retention prescribed under the DNA identification profiling system
13 act, 1990 PA 250, MCL 28.171 to 28.176.

14 (7) As used in this section:

15 (a) "Felony" means a violation of a penal law of this state
16 for which the offender may be punished by imprisonment for more
17 than 1 year or an offense expressly designated by law to be a
18 felony.

19 (b) "Sample" means a portion of a public ward's blood, saliva,
20 or tissue collected from the public ward.

21 Enacting section 1. This amendatory act takes effect 90 days
22 after the date it is enacted into law.

23 Enacting section 2. This amendatory act does not take effect
24 unless Senate Bill No. _____ or House Bill No. 6169 (request no.
25 02879'17) of the 99th Legislature is enacted into law.