

# SENATE BILL NO. 1194

October 13, 2020, Introduced by Senators THEIS, LASATA, WOJNO, ALEXANDER, LUCIDO, JOHNSON, SANTANA, GEISS, CHANG, BAYER, BRINKS, IRWIN and HOLLIER and referred to the Committee on Judiciary and Public Safety.

A bill to amend 2014 PA 227, entitled  
"Sexual assault kit evidence submission act,"  
by amending section 4 (MCL 752.934).

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

- 1       Sec. 4. (1) A law enforcement agency that receives notice  
2       under section 3 that sexual assault kit evidence has been released  
3       to that law enforcement agency shall take possession of the sexual  
4       assault kit evidence from the health care facility within ~~14~~7 days  
5       after receiving that notice.  
6       (2) If a law enforcement agency described in subsection (1)

1 determines that the alleged sexual assault occurred within the  
2 jurisdiction of another law enforcement agency and that it does not  
3 otherwise have jurisdiction over that assault, that law enforcement  
4 agency shall notify the other law enforcement agency of that fact  
5 within ~~14-7~~ days after receiving the kit from the health care  
6 facility that collected the sexual assault kit evidence.

7 (3) A law enforcement agency that receives notice under  
8 subsection (2) shall take possession of the sexual assault kit  
9 evidence from the other law enforcement agency within ~~14-7~~ days  
10 after receiving that notice.

11 (4) The investigating law enforcement agency that takes  
12 possession of any sexual assault kit evidence shall assign a  
13 criminal complaint number to that evidence in the manner required  
14 by that agency and shall submit that evidence to the department or  
15 another accredited laboratory for analysis within ~~14-7~~ days after  
16 that law enforcement agency takes possession of that evidence under  
17 this section. Sexual assault kit evidence that was received by a  
18 law enforcement agency within 30 days before ~~the effective date of~~  
19 ~~this act shall~~ **March 31, 2015 must** also be submitted to the  
20 department or other accredited laboratory as provided in this  
21 section.

22 (5) Each submission of sexual assault kit evidence for  
23 analysis under this act ~~shall~~ **must** be accompanied by the criminal  
24 complaint number required under subsection (4).

25 (6) All sexual assault kit evidence submitted to the  
26 department or an accredited laboratory on or after ~~the effective~~  
27 ~~date of this act shall~~ **March 31, 2015 must** be analyzed within ~~90-30~~  
28 days after all of the necessary evidence is received by the  
29 department or other accredited laboratory, provided that sufficient

1 staffing and resources are available to do so.

2 (7) The DNA profiles of all sexual assault kit evidence  
3 analyzed under this section on or after ~~the effective date of this~~  
4 ~~act shall~~ **March 31, 2015 must** be uploaded only into those databases  
5 at the state and national levels specified by the department.

6 (8) The failure of a law enforcement agency to take possession  
7 of sexual assault kit evidence as provided in this act or to submit  
8 that evidence to the department or other accredited laboratory  
9 within the time prescribed under this act does not alter the  
10 authority of the law enforcement agency to take possession of that  
11 evidence or to submit that evidence to the department or other  
12 accredited laboratory under this act and does not alter the  
13 authority of the department or other accredited laboratory to  
14 accept and analyze the evidence or to upload the DNA profile  
15 obtained from that evidence into state and national DNA databases  
16 under this act.

17 (9) The failure to comply with the requirements of this act  
18 does not constitute grounds in any criminal proceeding for  
19 challenging the validity of a database match or of any database  
20 information, and any evidence of that DNA record ~~shall~~ **must** not be  
21 excluded by a court on those grounds.

22 (10) A person accused or convicted of committing a crime  
23 against the victim has no standing to object to any failure to  
24 comply with the requirements of this act, and the failure to comply  
25 with the requirements of this act is not grounds for setting aside  
26 the conviction or sentence.