

1998 PUBLIC AND LOCAL ACTS

[No. 98]

(HB 5059)

AN ACT to amend 1994 PA 35, entitled "An act to create the state forensic laboratory fund; to authorize local forensic laboratory funds; to provide for assessments against certain criminal defendants; to provide for expenditures from the forensic laboratories funds; to make certain appropriations; to prescribe the powers and duties of certain departments and agencies and local units of government; and to repeal this act on a specific date," by amending the title and sections 2 and 6 (MCL 12.202 and 12.206); and to repeal acts and parts of acts.

The People of the State of Michigan enact:

TITLE

An act to create the state forensic laboratory fund; to authorize local forensic laboratory funds; to provide for assessments against certain criminal defendants; to provide for expenditures from the forensic laboratories funds; to make certain appropriations; and to prescribe the powers and duties of certain departments and agencies and local units of government.

12.202 Definitions. [M.S.A. 4.486(2)]

Sec. 2. As used in this act:

(a) "CSC offense" means a violation or attempted violation of section 520b, 520c, 520d, 520e, or 520g of the Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g.

(b) "Forensic laboratory" means a laboratory maintained by the department of state police or a municipality that meets all of the following criteria:

(i) Has at least 1 regularly employed forensic scientist who conducts analyses of controlled substances or androgenic anabolic steroids for criminal justice agencies in criminal matters, and provides testimony with respect to those analyses.

(ii) Is registered as an analytical laboratory with the drug enforcement administration of the United States department of justice for possessing all scheduled controlled substances.

(iii) Has at least 1 regularly employed forensic scientist who conducts forensic tests other than those described in subparagraph (i) and provides testimony with respect to those forensic tests.

(c) "Forensic test" means a drug analysis, toxicology analysis, or other forensic analysis or examination in areas including, but not limited to, latent prints, microchemistry, serology, firearms, toolmarks, or questioned documents. Forensic test does not include an analysis of the alcohol content of an individual's breath.

(d) "Municipality" means a county, township, city, or village.

12.206 Assessments. [M.S.A. 4.486(6)]

Sec. 6. (1) The court shall order each person convicted of 1 or more crimes in the case to pay an assessment of \$150.00 if 1 or more of the following apply:

(a) The court is notified pursuant to section 5 that a forensic laboratory has conducted a forensic test in the investigation of the case.

(b) The person is convicted of a CSC offense.

(2) The assessment required under subsection (1) is in addition to any fine, costs, or other assessments imposed by the court. An assessment required under subsection (1)

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shall be ordered upon the record, and shall be listed separately in the judgment of sentence or order of probation.

(3) After reviewing a verified petition by the defendant against whom an assessment is imposed, the court may suspend payment of all or part of the assessment if it determines the defendant is unable to pay the assessment.

(4) The court, prosecuting attorney, and originating investigating law enforcement agency may each retain 5% of all assessments or portions of assessments collected for costs incurred pursuant to this section and shall transmit that money to their respective funding units. On the last day of each month, the clerk of the court shall transmit the remainder of assessments or portions of assessments collected under this section to the department of treasury for deposit in the state forensic laboratory fund created in section 3.

Repeal of §12.212.

Enacting section 1. Section 12 of the forensic laboratory funding act, 1994 PA 35, MCL 12.212, is repealed.

This act is ordered to take immediate effect.

Approved May 14, 1998.

Filed with Secretary of State May 15, 1998.
