

# HOUSE BILL No. 4847

May 22, 1989, Introduced by Reps. Randall, Munsell, Giese, Camp, Strand, Miller, Middaugh, Gnodtke, Crandall, Johnson, Martin, Jaye, Dunaskiss, Wartner, Ouwinga, Bandstra, Gilmer, Bender, Power, Fitzgerald, Bankes, Honigman and Law and referred to the Committee on Judiciary.

A bill to provide for a DNA identification profiling system; to provide for the collection and analysis of blood, saliva, or tissue samples taken from certain prisoners and convicted offenders; and to prescribe the powers and duties of certain state departments.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. This act shall be known and may be cited as the  
2 "DNA identification profiling system act".

3       Sec. 2. As used in this act:

4       (a) "DNA identification profile" means the results of the  
5 DNA identification profiling of a blood, saliva, or tissue sample  
6 taken from an individual.

7       (b) "DNA identification profiling" means a validated  
8 scientific method of analyzing components of deoxyribonucleic

1 acid molecules for the purpose of identifying the pattern of the  
2 components' chemical structure that is unique to a person.

3       Sec. 3. The department of state police shall promulgate  
4 rules pursuant to the administrative procedures act of 1969, Act  
5 No. 306 of the Public Acts of 1969, being sections 24.201 to  
6 24.328 of the Michigan Compiled Laws, to implement this act,  
7 including, but not limited to, rules governing all of the  
8 following:

9       (a) The method of collection of blood and saliva samples,  
10 and the types and number of samples to be collected, by the  
11 department of corrections from certain prisoners pursuant to sec-  
12 tion 33d of Act No. 232 of the Public Acts of 1953, being section  
13 791.233d of the Michigan Compiled Laws, and by law enforcement  
14 agencies from certain convicted offenders pursuant to  
15 section 520m of the Michigan penal code, Act No. 328 of the  
16 Public Acts of 1931, being section 750.520m of the Michigan  
17 Compiled Laws. The rules shall provide for the taking of blood  
18 and saliva samples in a medically approved manner by qualified  
19 persons.

20       (b) The distribution of blood specimen vials, mailing tubes,  
21 and labels and of instructions for the collection of blood and  
22 saliva samples.

23       (c) The storage and transmission to the department of state  
24 police of the blood and saliva samples described in subdivision  
25 (a).

26       (d) The DNA identification or genetic marker profiling of  
27 the blood and saliva samples described in subdivision (a) and of

1 other blood, saliva, or tissue samples submitted to the  
2 department.

3 (e) The development, in cooperation with the federal bureau  
4 of investigation and other appropriate persons, of a system of  
5 filing, cataloging, retrieval, and comparison of DNA identifica-  
6 tion profiles, and the computerization of this system. The  
7 department of state police shall prepare a plan to computerize  
8 the system by January 1, 1990.

9 (f) The protection of the privacy interests of individuals  
10 whose blood, saliva, or tissue samples are analyzed pursuant to  
11 this act.

12 Sec. 4. The department of state police shall work with the  
13 federal bureau of investigation and other appropriate persons to  
14 develop the capability of conducting DNA identification and gene-  
15 tic marker profiling at department of state police crime  
16 laboratories. For this purpose, the department shall acquire,  
17 adapt, or construct the appropriate facilities, acquire the nec-  
18 essary equipment and supplies, evaluate and select analytic tech-  
19 niques and validate the chosen techniques, and obtain training  
20 for department of state police personnel.

21 Sec. 5. (1) A blood, saliva, or tissue sample collected by  
22 the department of corrections under section 33 of Act No. 232 of  
23 the Public Acts of 1953, being section 791.233 of the Michigan  
24 Compiled Laws, or by a law enforcement agency under section 520m  
25 of the Michigan penal code, Act No. 328 of the Public Acts of  
26 1931, being section 750.520m of the Michigan Compiled Laws, shall  
27 be used only for DNA identification profiling, or other blood,

1 saliva, or tissue analysis, conducted for the purpose of  
2 identification.

3       (2) The DNA identification profile or other results obtained  
4 from the use of a blood, saliva, or tissue sample in the manner  
5 described in subsection (1) shall be released or disclosed only  
6 to a law enforcement agency, a prosecuting attorney for a county,  
7 or the attorney general for use only in a criminal investigation  
8 or criminal prosecution.

9       (3) The department of state police shall permanently retain  
10 a DNA identification profile obtained in the manner prescribed by  
11 the department pursuant to this act from a sample described in  
12 subsection (1). Any other DNA identification profile obtained by  
13 the department shall not be permanently retained by the depart-  
14 ment but shall be retained only as long as it is needed for a  
15 criminal investigation or criminal prosecution.

16       Sec. 6. This act shall not take effect unless all of the  
17 following bills of the 85th Legislature are enacted into law:

18       (a) Senate Bill No. \_\_\_\_\_ or House Bill No. 4845 (request  
19 no. 00223'89 \*).

20       (b) Senate Bill No. \_\_\_\_\_ or House Bill No. 4846 (request  
21 no. 00223'89 a).