

HOUSE BILL No. 5005

July 27, 1989, Introduced by Reps. Pitoniak, Weeks, Gire, Hart, Niederstadt, Porreca, Barnes, Joe Young, Jr., DeBeaussaert, Wallace, Kosteva, DeMars, Dolan and London and referred to the Committee on Public Health.

A bill to amend sections 2804 and 2844a of Act No. 368 of the Public Acts of 1978, entitled as amended "Public health code,"

section 2804 as amended by Act No. 20 of the Public Acts of 1985 and section 2844a as added by Act No. 418 of the Public Acts of 1980, being sections 333.2804 and 333.2844a of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 2804 and 2844a of Act No. 368 of the
2 Public Acts of 1978, section 2804 as amended by Act No. 20 of the
3 Public Acts of 1985 and section 2844a as added by Act No. 418 of
4 the Public Acts of 1980, being sections 333.2804 and 333.2844a of
5 the Michigan Compiled Laws, are amended to read as follows:

6 Sec. 2804. (1) "Institution" means a public or private
7 establishment which provides inpatient medical, surgical, or

1 diagnostic care or treatment or nursing, custodial, or
2 domiciliary care to 2 or more unrelated individuals, including an
3 establishment to which individuals are committed by law.

4 (2) "LAW ENFORCEMENT AGENCY" MEANS A POLICE AGENCY OF A
5 CITY, VILLAGE, OR TOWNSHIP; A SHERIFF'S DEPARTMENT; THE DEPART-
6 MENT OF STATE POLICE; AND ANY OTHER GOVERNMENTAL LAW ENFORCEMENT
7 AGENCY.

8 (3) ~~-(2)-~~ "Live birth" means a term defined by departmental
9 rule which shall conform as closely as possible to the definition
10 of live birth recommended by the federal agency responsible for
11 vital statistics.

12 (4) ~~-(3)-~~ "Local registrar" means the county clerk or the
13 clerk's deputy, or in the case of a city having a population of
14 40,000 or more, the city clerk or city department designated by
15 the governing body of the city; or a registrar appointed pursuant
16 to section 2814. Population shall be determined according to the
17 latest federal decennial census.

18 (5) ~~-(4)-~~ "Registration" means the acceptance by the state
19 registrar and the incorporation of certificates provided for in
20 this part into the official vital records.

21 Sec. 2844a. (1) In deaths investigated by the county medi-
22 cal examiner or deputy county medical examiner where he or she is
23 not able to establish the identity of the dead body by visual
24 means, fingerprints, or other identifying data, the county medi-
25 cal examiner or deputy county medical examiner may have a quali-
26 fied dentist, as determined by the county medical examiner or
27 deputy county medical examiner, carry out a dental examination of

1 the dead body. If the county medical examiner or deputy county
2 medical examiner, with the aid of the dental examination and
3 other identifying findings, is still not able to establish the
4 identity of the dead body, the county medical examiner or deputy
5 county medical examiner shall forward the dental examination
6 records to the ~~state police on a form supplied by the department~~
7 ~~of state police for that purpose~~ APPROPRIATE LAW ENFORCEMENT
8 AGENCY. THE LAW ENFORCEMENT AGENCY SHALL ENTER THE INFORMATION
9 FROM THE DENTAL EXAMINATION RECORDS INTO THE NATIONAL CRIME
10 INFORMATION CENTER PURSUANT TO SECTION 8 OF ACT NO. 319 OF THE
11 PUBLIC ACTS OF 1968, BEING SECTION 28.258 OF THE MICHIGAN
12 COMPILED LAWS.

13 (2) If a person reported missing has not been found within
14 30 days, the ~~county sheriff, chief of the city, village, or~~
15 ~~township police, county medical examiner or deputy county medical~~
16 ~~examiner, or other~~ law enforcement ~~authority initiating and~~
17 AGENCY conducting the investigation for the missing person shall
18 request the family or next of kin of the missing person to give
19 them written consent to contact and request from the dentist of
20 the missing person the person's dental records. The INFORMATION
21 FROM THE dental records of the missing person shall be ~~forwarded~~
22 ~~to the state police on a form supplied by the department of state~~
23 ~~police for that purpose~~ ENTERED INTO THE NATIONAL CRIME INFORMA-
24 TION CENTER BY THE LAW ENFORCEMENT AGENCY PURSUANT TO SECTION 8
25 OF ACT NO. 319 OF THE PUBLIC ACTS OF 1968.

26 ~~(3) The state police shall act as a repository or computer~~
27 ~~center, or both, for the dental examination records and dental~~

~~1 records. The state police shall compare the dental examination
2 records filed pursuant to subsection (1) with the dental records
3 filed pursuant to subsection (2), shall determine which scoring
4 probabilities are the highest for purposes of identification, and
5 shall submit the information to the county medical examiner or
6 deputy county medical examiner who prepared and forwarded the
7 dental examination records. The state police dental repository
8 files shall be made available to a law enforcement agency
9 attempting to locate a missing person.~~

10 (3) ~~-(4)-~~ If a person reported missing has been found, the
11 ~~county sheriff, chief of the city, village, or township police,~~
12 ~~county medical examiner or deputy county medical examiner, or~~
13 ~~other law enforcement authority~~ AGENCY THAT ENTERED THE INFOR-
14 MATION UNDER SUBSECTION (2) shall ~~report the fact to the state~~
15 ~~police. After receiving the report, the state police shall erase~~
16 ~~the dental records with respect to the person which are main-~~
17 ~~tained pursuant to subsection (2)-~~ CANCEL THE INFORMATION.

18 ~~-(5) Not later than 3 years after implementation of the~~
19 ~~dental identification program required by this section, the~~
20 ~~department of state police shall submit a report to the legisla-~~
21 ~~ture on the success of the program in identifying dead bodies.~~