

SENATE BILL No. 262

March 16, 1989, Introduced by Senators BINSFELD, ENGLER, WELBORN, SCHWARZ, NICHOLS and DILLINGHAM and referred to the Committee on Human Resources and Senior Citizens.

A bill to amend section 6 of Act No. 205 of the Public Acts of 1956, entitled "The paternity act," as amended by Act No. 129 of the Public Acts of 1982, being section 722.716 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 6 of Act No. 205 of the Public Acts of
2 1956, as amended by Act No. 129 of the Public Acts of 1982, being
3 section 722.716 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 6. (1) In a proceeding under this act before trial,
6 the court, upon application made by or on behalf of either party,
7 or on its own motion, shall order that the mother, child, and
8 alleged father submit to blood or tissue typing tests, which may
9 include, but are not limited to, tests of red cell antigens, red

1 cell isoenzymes, human leukocyte antigens, and serum proteins, OR
2 TO DNA PROFILING to determine whether the alleged father is
3 likely to be, or is not, the father of the child. A blood or
4 tissue typing test OR DNA PROFILING of a child shall not be
5 ~~taken~~ CONDUCTED before the child reaches the age of 6 months.
6 If the court orders any blood or tissue typing test OR DNA
7 PROFILING to be ~~taken~~ CONDUCTED and any party refuses to submit
8 to the test OR DNA PROFILING, in addition to any other remedies
9 available, the fact of the refusal shall be disclosed at the
10 trial unless good cause is shown for not disclosing the fact of
11 refusal.

12 (2) A blood or tissue typing test shall be made by a person
13 the court determines is qualified as an examiner of blood or
14 tissue types. DNA PROFILING SHALL BE CONDUCTED BY A PERSON THE
15 COURT DETERMINES IS QUALIFIED TO CONDUCT DNA PROFILING.

16 (3) The court shall fix the compensation of any expert at a
17 reasonable amount, and may direct the compensation to be paid by
18 the county ~~—~~ or by any other party to the case, or by both in
19 the proportions and at the times the court prescribes. Before
20 ~~the making of~~ a blood or tissue typing test OR DNA PROFILING IS
21 CONDUCTED, the court may order any part or all of the compensa-
22 tion paid in advance.

23 (4) The result of a blood or tissue typing test, and if a
24 determination of exclusion of paternity cannot be made, a calcu-
25 lation of the probability of paternity made by a person the court
26 determines is qualified as an examiner of blood or tissue types
27 based on the result of a blood or tissue typing test shall be

1 admissible in evidence in the trial of the case BROUGHT UNDER
2 THIS ACT.

3 (5) THE RESULTS OF DNA PROFILING CONDUCTED PURSUANT TO THIS
4 SECTION SHALL BE ADMISSIBLE IN THE TRIAL OF THE CASE BROUGHT
5 UNDER THIS ACT. IF A DETERMINATION OF EXCLUSION OF PATERNITY
6 CANNOT BE MADE BASED ON THE RESULTS, A CALCULATION OF THE PROBA-
7 BILITY OF PATERNITY BASED ON THE RESULTS MADE BY A PERSON THE
8 COURT DETERMINES IS QUALIFIED TO CONDUCT DNA PROFILING SHALL BE
9 ADMISSIBLE IN EVIDENCE IN THE TRIAL OF THE CASE.

10 (6) IF THE PROBABILITY OF PATERNITY DETERMINED BY THE QUALI-
11 FIED PERSON DESCRIBED IN SUBSECTION (4) OR (5) IS 99% OR HIGHER,
12 PATERNITY SHALL BE PRESUMED. THE BURDEN OF PROOF IS UPON THE
13 ALLEGED FATHER TO REBUT THE PRESUMPTION.

14 (7) AS USED IN THIS SECTION, "DNA PROFILING" MEANS A VALI-
15 DATED SCIENTIFIC METHOD OF ANALYZING COMPONENTS OF DEOXYRIBONU-
16 CLEIC ACID MOLECULES FOR THE PURPOSE OF IDENTIFYING THE UNIQUE
17 PATTERN OF THE COMPONENTS' CHEMICAL STRUCTURE.