

HOUSE BILL NO. 4110

February 03, 2021, Introduced by Reps. Anthony, Glenn, Whitsett, Calley, Whiteford, Kahle, Brabec, Rendon, Paquette, Bollin, Wozniak, Camilleri, Clemente, Lasinski, Hammoud, Hope, Puri, Stone, Thanedar, Bolden, Allor, Jones and Yancey and referred to the Committee on Judiciary.

A bill to amend 1974 PA 150, entitled
"Youth rehabilitation services act,"
by amending section 7a (MCL 803.307a), as amended by 2001 PA 85.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7a. (1) A public ward under a youth agency's jurisdiction
2 ~~shall~~**must** not be placed in a community placement of any kind and
3 ~~shall~~**must** not be discharged from wardship until he or she has
4 provided samples for chemical testing for DNA identification
5 profiling or a determination of the sample's genetic markers and

has provided samples for a determination of his or her secretor status if any of the following apply:

(a) The public ward has been found responsible for a violation of section 83, 91, 316, 317, or 321 of the Michigan penal code, 1931 PA 328, MCL 750.83, 750.91, 750.316, 750.317, and 750.321, or a violation or attempted violation of section 349, 520b, 520c, 520d, 520e, or 520g of the Michigan penal code, 1931 PA 328, MCL 750.349, 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g, or a violation of section 167(1)(c) or (f) or 335a of the Michigan penal code, 1931 PA 328, MCL 750.167 and 750.335a, or a local ordinance substantially corresponding to section 167(1)(c) or (f) or 335a of the Michigan penal code, 1931 PA 328, MCL 750.167 and 750.335a.

(b) The public ward has been convicted of a felony or attempted felony, or any of the following misdemeanors, or local ordinances that are substantially corresponding to the following misdemeanors:

(i) A violation of section 145a of the Michigan penal code, 1931 PA 328, MCL 750.145a, enticing a child for immoral purposes.

(ii) A violation of section 167(1)(c), (f), or (i) of the Michigan penal code, 1931 PA 328, MCL 750.167, disorderly person by window peeping, engaging in indecent or obscene conduct in public, or loitering in a house of ill fame or ~~prostitution~~ **a house in which commercial sexual activity is practiced, encouraged, or allowed.**

(iii) A violation of section 335a of the Michigan penal code, 1931 PA 328, MCL 750.335a, indecent exposure.

(iv) A violation of section 451 of the Michigan penal code, 1931 PA 328, MCL 750.451, ~~first and second prostitution~~ **commercial sexual activity** violations.

1 (v) A violation of section 454 of the Michigan penal code,
2 1931 PA 328, MCL 750.454, leasing a house for purposes of
3 ~~prostitution.~~**commercial sexual activity.**

4 (vi) A violation of section 462 of the Michigan penal code,
5 1931 PA 328, MCL 750.462, female under the age of 17 in a house ~~of~~
6 ~~prostitution.~~**in which commercial sexual activity is practiced,**
7 **encouraged, or allowed.**

8 (2) Notwithstanding subsection (1), if at the time the public
9 ward is convicted of or found responsible for the violation the
10 investigating law enforcement agency or the department of state
11 police already has a sample from the public ward that meets the
12 requirements of the DNA identification profiling system act, 1990
13 PA 250, MCL 28.171 to 28.176, the public ward is not required to
14 provide another sample or pay the fee required under subsection
15 (6).

16 (3) The samples required to be collected under this section
17 ~~shall~~**must** be collected by the youth agency and transmitted to the
18 department of state police in the manner prescribed under the DNA
19 identification profiling system act, 1990 PA 250, MCL 28.171 to
20 28.176.

21 (4) The youth agency may collect a sample under this section
22 regardless of whether the public ward consents to the collection.
23 The youth agency is not required to give the public ward an
24 opportunity for a hearing or obtain a court order before collecting
25 the sample.

26 (5) The DNA profiles of DNA samples received under this
27 section ~~shall~~**must** only be disclosed as follows:

28 (a) To a criminal justice agency for law enforcement
29 identification purposes.

1 (b) In a judicial proceeding as authorized or required by a
2 court.

3 (c) To a defendant in a criminal case if the DNA profile is
4 used in conjunction with a charge against the defendant.

5 (d) For an academic, research, statistical analysis, or
6 protocol developmental purpose only if personal identifications are
7 removed.

8 (6) A public ward found responsible for or convicted of 1 or
9 more crimes listed in subsection (1) shall pay an assessment of
10 \$60.00. The department shall transmit the assessments or portions
11 of assessments collected to the department of treasury for the
12 department of state police forensic science division to defray the
13 costs associated with the requirements of DNA profiling and DNA
14 retention prescribed under the DNA identification profiling system
15 act, 1990 PA 250, MCL 28.171 to 28.176.

16 (7) As used in this section:

17 (a) "Felony" means a violation of a penal law of this state
18 for which the offender may be punished by imprisonment for more
19 than 1 year or an offense expressly designated by law to be a
20 felony.

21 (b) "Sample" means a portion of a public ward's blood, saliva,
22 or tissue collected from the public ward.

23 Enacting section 1. This amendatory act takes effect 90 days
24 after the date it is enacted into law.

25 Enacting section 2. This amendatory act does not take effect
26 unless all of the following bills of the 101st Legislature are
27 enacted into law:

28 (a) Senate Bill No. ____ or House Bill No. 4098 (request no.
29 01282'21).

1 (b) Senate Bill No. ____ or House Bill No. 4112 (request no.
2 01304'21).