

HOUSE BILL No. 5685

March 23, 2004, Introduced by Rep. Rocca and referred to the Committee on Criminal Justice.

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 21527 (MCL 333.21527), as added by 1988 PA 3.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 21527. (1) If an individual alleges to a physician or
2 other member of the attending or admitting staff of a hospital
3 that within the preceding 24 hours the individual has been the
4 victim of criminal sexual conduct under sections ~~520a to 520f~~
5 **520b to 520g** of the Michigan penal code, ~~Act No. 328 of the~~
6 ~~Public Acts of 1931, being sections 750.520a to 750.520f of the~~
7 ~~Michigan Compiled Laws 1931 PA 328, MCL 750.520b to 750.520g,~~
8 the attending health care personnel responsible for examining or
9 treating the individual immediately shall inform the individual
10 of the availability of a sexual assault evidence kit and, with

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1 the consent of the individual, shall perform or have performed on
2 the individual the procedures required by the sexual assault
3 evidence kit.

4 (2) For the purposes of this section, the administration of
5 a sexual assault evidence kit is not a medical procedure.

6 (3) **The evidence obtained from the administration of a
7 sexual assault evidence kit under this section is exempt from
8 disclosure under the freedom of information act, 1976 PA 442, MCL
9 15.231 to 15.246.**

10 (4) ~~(3)~~ As used in this section, "sexual assault evidence
11 kit" means a standardized set of equipment and written procedures
12 approved by the department of state police ~~which~~ **that** have been
13 designed to be administered to an individual principally for the
14 purpose of gathering evidence of sexual conduct, which evidence
15 is of the type offered in court by the forensic science division
16 of the department of state police for prosecuting a case of
17 criminal sexual conduct under sections ~~520a to 520f~~ **520b to**
18 **520g** of the Michigan penal code, ~~Act No. 328 of the Public Acts~~
19 ~~of 1931~~ **1931 PA 328, MCL 750.520b to 750.520g.**