

SENATE BILL No. 1387

June 17, 2008, Introduced by Senators WHITMER, PAPPAGEORGE, BASHAM, SWITALSKI, KUIPERS, GLEASON and HARDIMAN and referred to the Committee on Judiciary.

A bill to amend 1990 PA 250, entitled "DNA identification profiling system act," by amending section 3a (MCL 28.173a), as added by 2001 PA 88.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3a. (1) An individual required by law to provide samples
2 for DNA identification profiling who refuses to provide or resists
3 providing those samples is guilty of a misdemeanor punishable by
4 imprisonment for not more than 1 year or a fine of not more than
5 \$1,000.00, or both. The individual shall be advised that his or her
6 resistance or refusal to provide samples described in this
7 subsection is a misdemeanor.

8 (2) If at the time an individual who is required by law to
9 provide samples for DNA identification profiling is convicted the

1 investigating law enforcement agency or the department already has
2 a sample from the individual that meets the requirements of the
3 rules promulgated under this act, the individual is not required to
4 provide another sample. **HOWEVER, IF AN INDIVIDUAL'S DNA SAMPLE IS**
5 **INADEQUATE FOR PURPOSES OF ANALYSIS, THE INDIVIDUAL SHALL PROVIDE**
6 **ANOTHER DNA SAMPLE THAT IS ADEQUATE FOR ANALYSIS.**