

# SENATE BILL No. 968

May 1, 2018, Introduced by Senators CONYERS and HOOD and referred to the Committee on Judiciary.

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 21527 (MCL 333.21527), as amended by 2014 PA 320.

## 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 that  
3 within the preceding 120 hours the individual has been the victim  
4 of criminal sexual conduct under sections 520a to 520l of the  
5 Michigan penal code, 1931 PA 328, MCL 750.520a to 750.520l, the  
6 attending health care personnel responsible for examining or  
7 treating the individual immediately shall inform the individual of  
8 the availability of a sexual assault medical forensic examination,  
9 including the administration of a sexual assault evidence kit. If  
10 consented to by the individual, the attending health care personnel

1 shall perform or have performed on the individual the sexual  
2 assault medical forensic examination, including the procedures  
3 required by the sexual assault evidence kit. The attending health  
4 care personnel shall also inform the individual of the provisions  
5 for payment for the sexual assault medical forensic examination  
6 under section 5a of 1976 PA 223, MCL 18.355a.

7 (2) AN INDIVIDUAL WHO IS INFORMED OF THE AVAILABILITY OF A  
8 SEXUAL ASSAULT MEDICAL FORENSIC EXAMINATION UNDER SUBSECTION (1)  
9 AND WHO IS A VICTIM OF POLICE SEXUAL MISCONDUCT MUST BE PROVIDED A  
10 POLICE SEXUAL MISCONDUCT INCIDENT REPORT FORM AS PROVIDED UNDER  
11 SECTION 6A OF THE SEXUAL ASSAULT VICTIM'S ACCESS TO JUSTICE ACT,  
12 2014 PA 319, MCL 752.956A.

13 (3) ~~(2)~~As used in this section: ~~"sexual~~

14 (A) "POLICE SEXUAL MISCONDUCT" MEANS THAT TERM AS DEFINED IN  
15 SECTION 2 OF THE SEXUAL ASSAULT VICTIM'S ACCESS TO JUSTICE ACT,  
16 2014 PA 319, MCL 752.952.

17 (B) "SEXUAL assault evidence kit" means a standardized set of  
18 equipment and written procedures approved by the department of  
19 state police that have been designed to be administered to an  
20 individual principally for the purpose of gathering evidence of  
21 sexual conduct, which evidence is of the type offered in court by  
22 the forensic science division of the department of state police for  
23 prosecuting a case of criminal sexual conduct under sections 520a  
24 to 520/ of the Michigan penal code, 1931 PA 328, MCL 750.520a to  
25 750.520/.

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

1           Enacting section 2. This amendatory act does not take effect  
2 unless Senate Bill No. 967  
3           of the 99th Legislature is enacted into law.