

POLICY

The juvenile justice specialist (JJS) must ensure that a DNA sample is taken from all juveniles convicted in the criminal division of circuit court, family division or juvenile court of any of the listed felonies, attempted felonies or misdemeanors.

PURPOSE

To ensure that the department is in compliance with the DNA Profiling Act.

AUTHORITY

Youth Rehabilitation Services Act, 1974 PA 150, as amended, MCL 803.307a.

PROCEDURE

All youth required to submit a DNA profile must pay \$60 to the state to offset the costs associated with the DNA profile. The JJS must inform the youth of his/her responsibility to pay the fee. Failure to pay may result in court action against the youth.

Payments are sent to the Michigan Department of Treasury for the justice fund and must be identified as a DNA profile payment.

The mailing address:

Michigan Department of Treasury
Receipts Processing Division
7285 Parsons Drive
Dimondale, MI 48821

Criminal Court

Youth who have been convicted as an adult in a criminal court of any felony, attempted felony or the following listed misdemeanors must have a DNA profile submitted:

- Enticing a child for immoral purposes, MCL 750.145a.
- Disorderly person by window peeping, engaging in indecent or obscene conduct in public, or loitering in a house of ill fame or prostitution, MCL 750.167(1)(c),(f), or (j).
- Indecent exposure, MCL 750.335a.
- First and second prostitution, MCL 750.454.

- Female under the age of 17 in a house of prostitution, MCL 750.462.

**Family Division
or Juvenile
Court
Adjudication**

Youth adjudicated or found as a juvenile in a family division court for the following listed felonies or misdemeanors must have a DNA profile submitted:

- Assault with intent to murder, MCL 750.83.
- Attempted murder, MCL 750.91.
- Murder II, MCL 750.317.
- Kidnapping, MCL 750.349 (including attempted).
- Criminal sexual conduct I, MCL 750.520b (including attempted).
- Criminal sexual conduct II, MCL 750.520c (including attempted).
- Criminal sexual conduct III, MCL 750.520d (including attempted).
- Criminal sexual conduct IV, MCL 750.520e (including attempted).
- Assault with intent to commit criminal sexual conduct, MCL 750.520g (including attempted violation).
- Disorderly person - window peeper, MCL 750.167 (1)(c) or (j).
- Indecent exposure, MCL 750.335a).

DNA Sample

Upon collection, the DNA sample must be submitted within 72 hours of collection to the Michigan Department of State Police. For youth in detention, a public residential or day treatment placement, the facility must obtain the sample. The DNA sample collection must be conducted as part of the intake process. Youth already in

placement must provide the sample prior to release. (in accordance with MCL 803.307a)

The JJS is responsible for identifying any youth, in a community setting or contracted residential facility who were adjudicated for one of the named offenses and for whom there is no DNA profile on record. Identified youth are required to provide the sample for collection prior to release from residential placement or discharge from wardship. If the youth is placed in a private residential facility and a DNA profile is needed, the JJS must coordinate the sample collection and delivery with the agency.

The Michigan Department of State Police, DNA laboratory, is responsible for profiling the DNA collection and maintaining profile records. To determine if a profile is on record, the JJS may submit a written request, including the youth's name and date of birth, to:

Michigan State Police
DNA Unit
714 South Harrison Road
East Lansing, MI 48823

If requesting a profile sample collection kit, call the DNA laboratory at 517-322-6600.

If it is determined that no DNA profile is on record, the sample must be collected prior to release from placement or the planned discharge from wardship. The JJS must advise youth who are in a community placement of the need to comply with the sample collection. The JJS or designee must accompany the youth at the time the profile is conducted. If a youth refuses or fails to comply with the sample collection, the JJS must notify the court of the youth's failure to comply.

The DNA sample must be collected by a physician, nurse or trained technician and handled according to the DNA profile sample collection kit instructions. Following the completion of the DNA profile, the DHS-62, Delinquent Youth DNA Profile Verification (see RFF 62) form must be completed and placed in the case file.

**Payment
Process For
DNA Samples
and Forensic
Testing**

The DHS-93, Examination Authorization/Invoice For Services (see RFF 93) can be used to process payment for the cost of DNA samples that are to be sent to the Michigan Department of State Police for DNA profiling. The DHS-93 processes payment only for the DNA profile. The State Police complete the DNA profiling.

In addition to processing payment for DNA samples, the DHS-93 can be used for drug screens and other specified forensic testing.

Refer to the following for DHS-93 instructions, procedures and codes:

- RFF 93, Instructions for Completing the DHS-93.
- Services Requirements Manual (SRM) Item 230, Medical Services Authorization/Invoice. This item provides instructions for using the DHS-93.
- The DHS-94, Medical Services Authorization Provider Enrollment/Other Change (see RFF 94) is used for enrolling medical providers for services authorized on the DHS-93.
Note: A contract provider cannot be enrolled as a medical services provider to pay for services that are already covered by their contract.
- The SRM 234, Diagnostic Examination Fee Schedule provides codes and maximum payment limits for DHS-93 services.
- The CIMS File Maintenance Manual (CIF) FEMR transaction item explains how to enter the DHS-93 authorization on the Customer Information Management System (CIMS).