



DNA SAMPLE COLLECTION AND SUBMISSION Frequently Asked Questions

Legislative Changes

- 1) What legislative changes occurred regarding DNA collection?** Recently, the DNA Identification Profiling Systems Act, the Michigan Penal Code, and the Probate Code of 1939 were amended to expand the types of crimes which require an individual to provide a DNA sample to include individuals arrested for committing or attempting to commit any felony, including any offense that would be a felony if committed by an adult (see MCL 28.176(1)(a), MCL 750.520m(1)(a), and MCL 712A.18k(1)(a)). For purposes of this requirement, a felony is defined as a violation of a penal law of this state for which the offender may be punished by imprisonment for more than one year or an offense expressly designated by law to be a felony. There are now two types of circumstances where individuals are required to provide DNA samples—upon an arrest for a felony offense as described above and when the individual is convicted or found responsible for any of the misdemeanors listed in MCL 28.176(1)(b), MCL 750.520m(1)(b), and MCL 712A.18k(1)(b) or local ordinances substantially corresponding to the listed misdemeanors.
- 2) Where can a copy of the amended statutes on DNA collection be found?** A copy of the amended statutes can be found by visiting <http://www.legislature.mi.gov> and searching for MCL 28.176, MCL 750.520m, and MCL 712A.18k under the Michigan Compiled Laws Search MCL Section field.
- 3) When will the amended statutes go into effect?** July 1, 2015. Beginning on that date, all individuals who are arrested for committing or attempting to commit any felony shall provide a DNA sample for DNA identification profiling. This is in addition to individuals who are required to provide a DNA sample as a result of the the individual being convicted of or found responsible for a felony or attempted felony, or any listed misdemeanors, or any substantially similar misdemeanor local ordinances. If the individual has already given a DNA sample, see #7 below to determine whether the individual is required to provide another DNA sample.

Eligibility for DNA Sample Collection

- 4) How does the amendment affect the existing statutes?** The amendment expands the types of crimes which require an individual to provide a DNA sample. All individuals that were previously required to submit a DNA sample will still be required to provide DNA samples under the amended laws.
- 5) Does the individual have to be collected twice, once at arrest and once at conviction?** No, only one DNA sample is necessary. An individual collected at arrest for committing or attempting to commit a felony would not need to be collected again at conviction. All other individuals not collected at arrest for qualifying offenses should be collected at conviction or upon a finding of responsibility (juveniles), unless their DNA profiles are already on file. DNA profiles will remain on file with the Michigan State Police CODIS Section as allowable by law.
- 6) How can I tell if a DNA sample has already been collected from an individual?** Please check the Criminal History Record in LEIN to determine whether the Michigan State Police already has a qualifying DNA sample on file. Locate a field labeled "DNA RECORD AVAILABLE". This field is used by the Michigan State Police CODIS Section to inform the law enforcement community about the status of a DNA sample for an individual.
- 7) If an individual has already given a DNA sample, do I have to take another DNA sample?** No, as long as the "DNA RECORD AVAILABLE" field equals "YES." An indication of "YES" means the Michigan State Police already has a DNA sample from the individual that meets the statutory requirements. If the "DNA RECORD AVAILABLE" equals "NO," please proceed with DNA sample collection as required. The Criminal History Record is routinely updated and checked for accuracy. Please note that there may be instances where the Michigan State Police CODIS Section contacts your agency requesting another DNA sample from an individual who has previously been collected.

Collecting DNA Samples

- 8) How do I collect the DNA samples?** For information regarding how to collect DNA samples, please refer to the instructions provided on the front cover of the DNA Database Collection Card.
- 9) What information needs to be included on the DNA Database Collection Card?** It is imperative that **ALL** of the available requested information be filled out on the DNA Database Collection Card. This information includes the individual's personal identifying information, including thumbprints and signature of the individual, in the designated boxes. All pertinent information regarding the reason for the DNA sample collection (e.g., felony

arrest, felony conviction, finding of responsibility for a listed misdemeanor) **MUST** also be provided in the designated area.

- 10) The Michigan State Police CODIS Section has contacted me for more information about a collection. Why?** The most common reasons for contact include requests for the following: a repeat collection because the first DNA sample was inadequate, additional personal information, or information about a qualifying offense. The Michigan State Police CODIS Section is federally mandated to perform a series of steps to ensure the identity and legality of the DNA samples in CODIS. If the DNA Database Collection Card is not completed in its entirety, follow-up contact is very likely to occur.
- 11) My agency routinely collects DNA samples under the current law. Will I still be allowed to use the old DNA Database Collection Kits after the amendments go into effect on July 1, 2015?** Yes, your agency may still use the old DNA Database Collection Kits. Please write in the qualifying offense for arrest on the "Other" line on the backside of the DNA Database Collection Card. The collection type fields on the new DNA Database Collection Card were edited to allow the collector to indicate whether the collection is for an arrest or conviction, and to write in the qualifying offense below.
- 12) What differences can I expect between the old DNA Database Collection Kits and the new DNA Database Collection Kits?** The main difference between the old and the new DNA Database Collection Kits is the collection type fields on the new DNA Database Collection Card. The collector **MUST** indicate the collection type on the card by checking the appropriate box **AND** writing the qualifying offense for which the the DNA sample was collected from the individual.
- 13) Where do I mail the DNA samples after they have been collected based on an arrest for a qualifying offense?** After the DNA Database Collection Card has been properly filled out, the DNA sample has been collected, **AND** the individual has been charged with committing a felony or attempting to commit a felony, place the DNA sample in the self-addressed envelope, add the appropriate postage, and simply mail the DNA sample back to the Michigan State Police CODIS Section. Place only one DNA Database Collection Card per envelope. DNA samples may also be dropped off at the Michigan State Police Lansing Laboratory.
- 14) I need to collect a DNA sample from a suspect for an ongoing criminal investigation. Can I use the DNA Database Collection Kits for this purpose?** No. The sole purpose of the DNA Database Collection Kit is to collect DNA from qualifying individuals to be entered into the CODIS Database.

Handling and Ordering of DNA Database Collection Kits

- 15) How do I obtain DNA Database Collection Kits?** DNA Database Collection Kits are available upon request by contacting the Michigan State Police CODIS Section at (517) 636-0465 or by email at MSPCODIS@michigan.gov. The DNA Database Collection Kits are distributed in boxes of 50. To order, please indicate the quantity needed along with the agency contact and shipping information. Please do not contact Tri-Tech directly to place your order.
- 16) Who pays for the DNA Database Collection Kits?** The Michigan State Police CODIS Section pays all invoices for DNA Database Collection Kits. Submitting agencies are responsible for all costs associated with delivering the DNA Database Collection Kits to the Michigan State Police CODIS Section at the Lansing Laboratory.
- 17) What do I do with old DNA Database Collection Kits after July 1, 2015?** The old DNA Database Collection Kits may still be used for both arrest collections and conviction collections. For arrest collections, simply write the qualifying felony arrest on the "Other" line located on the back side of the DNA Database Collection Card.

ADDITIONAL INFORMATION

- 18) What is CODIS?** CODIS is the acronym for the database that houses the DNA profiles of both known offenders and DNA profiles developed from crime scene evidence. It stands for COMbined DNA Index System.

CONTACT INFORMATION

- 19) Who do I contact if I have any questions regarding the DNA collection process?** Please contact the Michigan State Police CODIS Section at (517) 636-0465 or at MSPCODIS@michigan.gov with any questions or concerns.