



STATE BAR OF MICHIGAN

## PUBLIC POLICY POSITION

**Bill Number:**

[SB 1083](#) Law enforcement; records; procedure for destruction or expunction of a DNA sample or DNA identification profile; modify under certain circumstances. Amends sec. 6 of 1990 PA 250 (MCL 28.176).

**Date position was adopted:**

November 18, 2016

**Board of Commissioners Vote:**

Unanimous

**Explanation of the position, including any recommended amendments:**

The Board voted to oppose the bill.

If an individual is not charged with a crime or is acquitted, that person has to request the expunction of or destruction of the DNA sample via court motion and write a letter to the law enforcement agency. This places the burden on an individual—who may not be familiar with the court system—to ensure destruction of their DNA sample. There should be processes and procedures in place that would provide for the destruction of the sample without requiring the individual to make a request.