



# MICHIGAN STATE POLICE LEGAL UPDATE

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This update is published by the Michigan State Police Executive Division. Questions and comments may be directed to [MSPLegal@michigan.gov](mailto:MSPLegal@michigan.gov). Past editions can be found at [www.michigan.gov/msp-legal](http://www.michigan.gov/msp-legal).

## VEHICLE CODE

### Approaching or passing certain maintenance or utility vehicles

Effective: January 9, 2009

Public Act 464 of 2008 added [MCL 257.653b](#) to the Michigan Vehicle Code. The new section requires that a driver slow to and maintain a safe speed and use due care and caution when approaching and passing the following:

1. A solid waste collection vehicle
2. A utility service vehicle
3. A road maintenance vehicle

For this section to apply, the listed vehicle must be stationary and using flashing, rotating, or oscillating amber lights as permitted by [MCL 257.698](#). Violation of the new section is a 90-day misdemeanor.

[Public Act 464 of 2008](#)

## D.N.A. LAW

### Requirement to provide adequate sample

Effective: January 13, 2009

Public Act 533 of 2008 amended [MCL 28.173a](#), which is the section making it a crime to refuse to provide or resist the taking of a DNA sample required by law. Under the amended section, an individual required to provide a DNA sample must provide another sample if the first is inadequate for purposes of analysis.

[Public Act 533 of 2008](#)

### Authorized uses of DNA profiles

Effective: January 13, 2009

Public Act 534 of 2008 added [MCL 28.175a](#) to the DNA Act. Under the new section, DNA profiles may only be used for the

following purposes: law enforcement identification purposes, recovery or identification of human remains or missing persons, and research purposes if all personal identifiers are removed from the profile. The new section expressly prohibits analysis of DNA samples for identifying medical or genetic disorders.

[Public Act 534 of 2008](#)

### Misuse of DNA profiles

Effective: January 13, 2009

Public Act 535 of 2008 added [MCL 28.175](#) to the DNA Act, and amended [MCL 28.172](#) and [MCL 28.176](#). Under the added section it is now a 1-year misdemeanor to 1) disseminate, receive, or use a DNA profile for a purpose not authorized by law, or 2) to willfully remove, destroy, or tamper with a DNA record without lawful authority.

The amendments require that the MSP laboratory dispose of DNA samples or profiles when the investigating police agency or prosecutor submits a written request indicating the sample or profile is no longer needed for an investigation or prosecution, or when the charge has been dismissed or the person has been acquitted.

Lastly, the amendments allow erroneously retained or obtained samples or profiles to be used to support warrants, arrests, probable cause, convictions, and identifications, as long as the error was made in good faith.

[Public Act 535 of 2008](#)

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