

Act No. 494  
Public Acts of 1996  
Approved by the Governor  
January 7, 1997  
Filed with the Secretary of State  
January 7, 1997

**STATE OF MICHIGAN  
88TH LEGISLATURE  
REGULAR SESSION OF 1996**

**Introduced by Senators Bouchard, Gougeon, Shugars, Bennett, Dingell, North, McManus, Dunaskiss,  
Rogers, Carl, Cisky, Steil and Stille**

# **ENROLLED SENATE BILL No. 959**

AN ACT to amend sections 6, 7, 8, and 10 of Act No. 295 of the Public Acts of 1994, entitled "An act to require persons convicted of certain offenses to register; to prescribe the powers and duties of certain departments and agencies in connection with that registration; and to prescribe penalties and sanctions," being sections 28.726, 28.727, 28.728, and 28.730 of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

Section 1. Sections 6, 7, 8, and 10 of Act No. 295 of the Public Acts of 1994, being sections 28.726, 28.727, 28.728, and 28.730 of the Michigan Compiled Laws, are amended to read as follows:

Sec. 6. (1) The officer, court, or agency registering an individual or receiving or accepting a registration under section 4 or receiving notice under section 5(1) shall provide the individual with a copy of the registration or notification at the time of registration or notice.

(2) The officer, court, or agency registering an individual or receiving or accepting a registration under section 4 or notified of an address change under section 5(1) shall forward the registration or notification to the department by the law enforcement information network within 3 business days after registration or notification.

Sec. 7. (1) A registration under this act shall be made on a form provided by the department and shall be forwarded to the department in the format the department prescribes. A registration shall contain all of the following:

(a) The individual's name, social security number, date of birth, and address or expected address. An individual registered under this act before the effective date of the 1996 amendatory act that amended this section shall provide the department with his or her date of birth upon the department's request.

(b) A brief summary of the individual's convictions for listed offenses, including where the offense occurred and the original charge if the conviction was for a lesser offense.

(c) A complete physical description of the individual.

(2) A registration may contain the following:

- (a) The individual's blood type and whether a DNA identification profile of the individual is available.
- (b) A recent photograph of the individual.

(3) The form used for registration under this act shall contain a written statement that explains the duty of the individual being registered to provide notice of a change of address under section 5 and the procedures for providing that notice.

(4) The individual may sign the registration or notice.

(5) The officer, court, or an employee of the agency registering the individual or receiving or accepting a registration under section 4 shall sign the registration form.

(6) An individual shall not knowingly provide false or misleading information concerning a registration or notice.

(7) The department shall prescribe the form for a notification required under section 5 and the format for forwarding the notification to the department.

Sec. 8. (1) The department shall maintain a computerized data base of registrations and notices required under this act.

(2) The department shall maintain a computerized data base separate from that described in subsection (1) to implement section 10(2) and (3). The data base shall consist of a compilation of individuals registered under this act, but shall not include any individual registered solely because he or she had 1 or more dispositions for a listed offense entered under section 18 of chapter XIIA of Act No. 288 of the Public Acts of 1939, being section 712A.18 of the Michigan Compiled Laws, in a case that was not designated as a case in which the individual was to be tried in the same manner as an adult under section 2d of chapter XIIA of Act No. 288 of the Public Acts of 1939, being section 712A.2d of the Michigan Compiled Laws. The compilation of individuals shall be indexed numerically by zip code area. Within each zip code area, the compilation shall contain the name and aliases, address, physical description, and birth date of each individual registered under this act who is included in the compilation and who resides in that zip code area and any listed offense of which the individual has been convicted. The department shall update the compilation with new registrations, deletions from registrations, and address changes at the same time those changes are made to the data base described in subsection (1). The department shall make the compilation available to each department post, local law enforcement agency, and sheriff's department by the law enforcement information network. Upon request by a department post, local law enforcement agency, or sheriff's department, the department shall provide to that post, agency, or sheriff's department the information from the compilation in printed form for the zip code areas located in whole or in part within the post's, agency's, or sheriff's department's jurisdiction. As an alternative, the department may make the compilation or information from the compilation available to a department post, local law enforcement agency, or sheriff's department by electronic, computerized, or other means accessible to the post, agency, or sheriff's department.

(3) If a court determines that the public availability under section 10 of any information concerning individuals registered under this act, including names and aliases, addresses, physical descriptions, or dates of birth, violates the constitution of the United States or this state, the department shall revise the compilation in subsection (2) so that it does not contain that information.

Sec. 10. (1) Except as provided in this act, a registration is confidential and shall not be open to inspection except for law enforcement purposes. The registration and all included materials and information are exempt from disclosure pursuant to section 13 of the freedom of information act, Act No. 442 of the Public Acts of 1976, being section 15.243 of the Michigan Compiled Laws.

(2) A department post, local law enforcement agency, or sheriff's department shall make information from the compilation described in section 8(2) for the zip code areas located in whole or in part within the post's, agency's, or sheriff's department's jurisdiction available for public inspection during regular business hours. A department post, local law enforcement agency, or sheriff's department is not required to make a copy of the information for a member of the public.

(3) The department may make information from the compilation described in section 8(2) available to the public through electronic, computerized, or other accessible means.

(4) Except as provided in this act, an individual other than the registrant who knows of a registration under this act and who divulges, uses, or publishes information concerning the registration in violation of this act is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both.

(5) An individual whose registration is revealed in violation of this act has a civil cause of action against the responsible party for treble damages.

(6) Subsections (4) and (5) do not apply to the compilation described in section 8(2) or information from that compilation that is provided or made available under section 8(2) or under subsection (2) or (3).

Section 2. This amendatory act shall take effect April 1, 1997.

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Secretary of the Senate.

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Clerk of the House of Representatives.

Approved -----

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Governor.