



**House
Legislative
Analysis
Section**

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**SEX OFFENDER REGISTRATION
REVISIONS**

House Bill 5163

Sponsor: Rep. Bill McConico

House Bill 5241

Sponsor: Rep. Michael Bishop

House Bill 5891

Sponsor: Rep. Larry Julian

Committee: Criminal Justice

Complete to 5-20-02

A SUMMARY OF HOUSE BILL 5163 AS INTRODUCED 10-9-01, HOUSE BILL 5241 AS INTRODUCED 10-16-01, AND HOUSE BILL 5891 AS INTRODUCED 4-11-02

The Sex Offenders Registration Act applies to individuals convicted of a listed offense, persons placed on youthful trainee status for a listed offense, and juveniles for whom a court has entered a disposition for a listed offense for which the record is open to the general public. Offenders must comply with the registration requirement for 25 years after the initial registration, and someone convicted of a second or subsequent offense must register for the remainder of his or her life.

"Listed offense" means any of the following:

- Accosting, enticing or soliciting a child for immoral purposes.
- Involvement in child sexually abusive activity or material.
- A third or subsequent violation of any combination of engaging in obscene or indecent conduct in public, indecent exposure, or a local ordinance substantially corresponding to either offense.
- First, second, third, or fourth degree Criminal Sexual Conduct (CSC).
- Assault with intent to commit CSC.
- An attempt or conspiracy to commit one of the offenses listed above.
- Any offense under the laws of the United States, any other state, or any other country, that is substantially similar to a listed offense.

The Department of State Police is required to maintain a computerized data base of registered offenders, and the information compiled from the data base is to be made available to the public. The data base is indexed by zip code area and contains the name, aliases, address, physical description, birth date, and listed offenses for each offender residing in the zip code

area. Currently, the data base does not include any individual registered solely because he or she had one or more dispositions for a listed offense entered under provisions of the Probate Code (MCL 712A.18). This exclusion for juvenile dispositions does not apply to a disposition for first- or second-degree criminal sexual conduct (CSC).

House Bills 5163 and 5891, which are identical, would amend the Sex Offenders Registration Act (MCL 28.728), to prohibit the Department of State Police (DPS) from placing an individual (if the individual was less than 18 years of age at the time the listed offense was committed) on the public registry unless the abstract of conviction or the order of disposition stated that the individual was required to be registered.

After the bills' effective date, for an individual convicted of, or a juvenile found responsible for, first- or second-degree criminal sexual conduct (CSC), a court would be required to determine whether the individual was required to be listed on the public registry under the act. The determination would have to be based on the abstract of conviction or on the order of disposition.

If the individual had been convicted of or found responsible as a juvenile for a first-or second-degree CSC before the bills' effective dates, the individual could petition the court for an order exempting him or her from being listed on the public registry. The determination regarding exemption would have to be made by the court on the abstract of conviction or the order of disposition. If the DSP were ordered to exempt an individual from registration under this provision, the DSP would have to promptly remove all information regarding the individual from the public registry as ordered by the court.

In making a determination to exempt an individual or juvenile convicted of or found responsible for a first- or second-degree CSC, the court would have to consider all of the following:

- The individual's age and level of maturity at the time the offense was committed and at the time of sentencing or disposition.
- The individual's prior juvenile history.
- The nature and severity of the offense.
- The individual's likelihood to engage in further criminal acts.
- Any other information considered relevant by the court.

However, the court could not exempt an individual from being placed on the public registry if the person had been previously convicted of or found responsible as a juvenile for a first-, second-, third, or fourth-degree CSC offense or assault with intent to commit a CSC.

House Bill 5241 would also amend the Sex Offenders Registration Act (MCL 28.725). Currently, within ten days after moving to a new residence, being paroled, or being released from the jurisdiction of the DOC, a person who is required to register under the act must notify local law enforcement, the state police, or the sheriff's department of his or her new address. The

entity that registers an individual or receives a change-of-address notice must forward the registration or notice to the Department of State Police. The reporting requirements for a person being paroled or on final release would remain the same, but the bill would amend the reporting requirement for a person who changed his or her residence or domicile or place of work or education. Under the bill, an individual required to be registered under the act would be required to notify, within 10 days of a change in residence or place of work or education, each of the following:

- The local law enforcement agency or sheriff's department having jurisdiction of the local unit of government in which he or she previously resided or was domiciled or worked or received education.
- The local law enforcement agency or sheriff's department having jurisdiction of the local unit of government in which he or she intends to reside or be domiciled or work or receive education.
- The Department of State Police.

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■This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.