

**REPRINT**

**SUBSTITUTE FOR**

**SENATE BILL NO. 1275**

(As passed the Senate May 20, 2002)

(As amended June 19, 2002)

[A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending sections 2, 5, 5a, 7, 8, 9, and 10 (MCL 28.722, 28.725, 28.725a, 28.727, 28.728, 28.729, and 28.730), sections 2, 5, 7, 8, 9, and 10 as amended and section 5a as added by 1999 PA 85, and by adding sections 1a and 4a.]

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

[SEC. 1A. THE LEGISLATURE DECLARES THAT THE SEX OFFENDERS REGISTRATION ACT WAS ENACTED PURSUANT TO THE LEGISLATURE'S EXERCISE OF THE POLICE POWER OF THE STATE WITH THE INTENT TO BETTER ASSIST LAW ENFORCEMENT OFFICERS AND THE PEOPLE OF THIS STATE IN PREVENTING AND PROTECTING AGAINST THE COMMISSION OF FUTURE CRIMINAL SEXUAL ACTS BY CONVICTED SEX OFFENDERS. THE LEGISLATURE HAS DETERMINED THAT A PERSON WHO HAS BEEN CONVICTED OF COMMITTING AN OFFENSE COVERED BY THIS ACT POSES A POTENTIAL SERIOUS MENACE AND DANGER TO THE HEALTH, SAFETY, MORALS, AND WELFARE OF THE PEOPLE, AND PARTICULARLY THE CHILDREN, OF THIS STATE. THE REGISTRATION REQUIREMENTS OF THIS ACT ARE INTENDED TO PROVIDE LAW ENFORCEMENT AND THE PEOPLE OF THIS STATE WITH AN APPROPRIATE, COMPREHENSIVE, AND EFFECTIVE MEANS TO MONITOR THOSE PERSONS WHO POSE SUCH A POTENTIAL DANGER.]

- 1       Sec. 2. As used in this act:
- 2       (a) "Convicted" means 1 of the following:
- 3       (i) Having a judgment of conviction or a probation order
- 4 entered in any court having jurisdiction over criminal offenses,
- 5 including but not limited to, a tribal court or a military court,
- 6 and including a conviction subsequently set aside under 1965
- 7 PA 213, MCL 780.621 to 780.624.

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1           (ii) Being assigned to youthful trainee status under  
2 sections 11 to 15 of chapter II of the code of criminal  
3 procedure, 1927 PA 175, MCL ~~762.12~~ 762.11 to 762.15.

4           (iii) Having an order of disposition entered under section  
5 18 of chapter XIIIA of THE PROBATE CODE OF 1939, 1939 PA 288,  
6 MCL 712A.18, that is open to the general public under section 28  
7 OF chapter XIIIA of THE PROBATE CODE OF 1939, 1939 PA 288,  
8 MCL 712A.28.

9           (iv) Having an order of disposition or other adjudication in  
10 a juvenile matter in another state or country.

11           (b) "Department" means the department of state police.

12           (C) "INSTITUTION OF HIGHER EDUCATION" MEANS 1 OR MORE OF THE  
13 FOLLOWING:

14           (i) A PUBLIC OR PRIVATE COMMUNITY COLLEGE, COLLEGE, OR  
15 UNIVERSITY.

16           (ii) A PUBLIC OR PRIVATE TRADE, VOCATIONAL, OR OCCUPATIONAL  
17 SCHOOL.

18           (D) ~~(c)~~ "Local law enforcement agency" means the police  
19 department of a municipality.

20           (E) ~~(d)~~ "Listed offense" means any of the following:

21           (i) A violation of section 145a, 145b, or 145c of the  
22 Michigan penal code, 1931 PA 328, MCL 750.145a, 750.145b, and  
23 750.145c.

24           (ii) A violation of section 158 of the Michigan penal code,  
25 1931 PA 328, MCL 750.158, if a victim is an individual less than  
26 18 years of age.

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1           (iii) A third or subsequent violation of any combination of  
2 the following:

3           (A) Section 167(1)(f) of the Michigan penal code, 1931  
4 PA 328, MCL 750.167.

5           (B) Section 335a of the Michigan penal code, 1931 PA 328,  
6 MCL 750.335a.

7           (C) A local ordinance of a municipality substantially corre-  
8 sponding to a section described in sub-subparagraph (A) or (B).

9           (iv) Except for a juvenile disposition or adjudication, a  
10 violation of section 338, 338a, or 338b of the Michigan penal  
11 code, 1931 PA 328, MCL 750.338, 750.338a, and 750.338b, if a  
12 victim is an individual less than 18 years of age.

13           (v) A violation of section 349 of the Michigan penal code,  
14 1931 PA 328, MCL 750.349, if a victim is an individual less than  
15 18 years of age.

16           (vi) A violation of section 350 of the Michigan penal code,  
17 1931 PA 328, MCL 750.350.

18           (vii) A violation of section 448 of the Michigan penal code,  
19 1931 PA 328, MCL 750.448, if a victim is an individual less than  
20 18 years of age.

21           (viii) A violation of section 455 of the Michigan penal  
22 code, 1931 PA 328, MCL 750.455.

23           (ix) A violation of section 520b, 520c, 520d, 520e, or 520g  
24 of the Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520c,  
25 750.520d, 750.520e, and 750.520g.

26           (x) Any other violation of a law of this state or a local  
27 ordinance of a municipality that by its nature constitutes a

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1 sexual offense against an individual who is less than 18 years of  
2 age.

3 (xi) An offense committed by a person who was, at the time  
4 of the offense, a sexually delinquent person as defined in sec-  
5 tion 10a of the Michigan penal code, 1931 PA 328, MCL 750.10a.

6 (xii) An attempt or conspiracy to commit an offense  
7 described in subparagraphs (i) to (xi).

8 (xiii) An offense substantially similar to an offense  
9 described in subparagraphs (i) to (xii) under a law of the United  
10 States, any state, or any country or under tribal or military  
11 law.

12 (F) ~~(e)~~ "Municipality" means a city, village, or township  
13 of this state.

14 (G) ~~(f)~~ "Residence", as used in this act, for registration  
15 and voting purposes means that place at which a person habitually  
16 sleeps, keeps his or her personal effects, and has a regular  
17 place of lodging. If a person has more than 1 residence, or if a  
18 wife has a residence separate from that of the husband, that  
19 place at which the person resides the greater part of the time  
20 shall be his or her official residence for the purposes of this  
21 act. This section shall not be construed to affect existing  
22 judicial interpretation of the term residence.

23 (H) ~~(g)~~ "Student" means an individual enrolled on a full-  
24 or part-time basis in a public or private educational institu-  
25 tion, including but not limited to a secondary school, trade  
26 school, professional institution, or institution of higher  
27 education.

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1 SEC. 4A. (1) AN INDIVIDUAL REQUIRED TO BE REGISTERED UNDER  
2 THIS ACT WHO IS NOT A RESIDENT OF THIS STATE SHALL REPORT HIS OR  
3 HER STATUS IN PERSON TO THE LOCAL LAW ENFORCEMENT AGENCY OR [SHERIFF'S]  
4 DEPARTMENT HAVING JURISDICTION OVER A CAMPUS OF AN INSTITUTION OF  
5 HIGHER EDUCATION, OR TO THE [DEPARTMENT POST NEAREST TO  
6 ] THAT CAMPUS, IF ANY OF THE FOLLOWING OCCUR:

7 (A) REGARDLESS OF WHETHER HE OR SHE IS FINANCIALLY COMPEN-  
8 SATED OR RECEIVES ANY GOVERNMENTAL OR EDUCATIONAL BENEFIT, THE  
9 INDIVIDUAL IS OR BECOMES A FULL- OR PART-TIME EMPLOYEE, CONTRAC-  
10 TUAL PROVIDER, OR VOLUNTEER WITH THAT INSTITUTION OF HIGHER EDU-  
11 CATION AND HIS OR HER POSITION WILL REQUIRE THAT HE OR SHE BE  
12 PRESENT ON THAT CAMPUS FOR 14 OR MORE CONSECUTIVE DAYS OR 30 OR  
13 MORE TOTAL DAYS IN A CALENDAR YEAR.

14 (B) THE INDIVIDUAL IS OR BECOMES AN EMPLOYEE OF A CONTRAC-  
15 TUAL PROVIDER DESCRIBED IN SUBDIVISION (A) AND HIS OR HER POSI-  
16 TION WILL REQUIRE THAT HE OR SHE BE PRESENT ON THAT CAMPUS FOR 14  
17 OR MORE CONSECUTIVE DAYS OR 30 OR MORE TOTAL DAYS IN A CALENDAR  
18 YEAR.

19 (C) THE STATUS DESCRIBED IN SUBDIVISION (A) OR (B) IS  
20 DISCONTINUED.

21 (D) THE INDIVIDUAL CHANGES THE CAMPUS ON WHICH HE OR SHE IS  
22 AN EMPLOYEE, A CONTRACTUAL PROVIDER, AN EMPLOYEE OF A CONTRACTUAL  
23 PROVIDER, OR A VOLUNTEER AS DESCRIBED IN SUBDIVISION (A) OR (B).

24 (E) THE INDIVIDUAL IS OR ENROLLS AS A STUDENT WITH THAT  
25 INSTITUTION OF HIGHER EDUCATION OR THE INDIVIDUAL DISCONTINUES  
26 THAT ENROLLMENT.

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1 (F) AS PART OF HIS OR HER COURSE OF STUDIES AT AN  
2 INSTITUTION OF HIGHER EDUCATION IN THIS STATE, THE INDIVIDUAL IS  
3 PRESENT AT ANY OTHER LOCATION IN THIS STATE, ANOTHER STATE, A  
4 TERRITORY OR POSSESSION OF THE UNITED STATES, OR ANOTHER COUNTRY  
5 FOR 14 OR MORE CONSECUTIVE DAYS OR 30 OR MORE TOTAL DAYS IN A  
6 CALENDAR YEAR, OR THE INDIVIDUAL DISCONTINUES HIS OR HER STUDIES  
7 AT THAT LOCATION.

8 (2) AN INDIVIDUAL REQUIRED TO BE REGISTERED UNDER THIS ACT  
9 WHO IS A RESIDENT OF THIS STATE SHALL REPORT HIS OR HER STATUS IN  
10 PERSON TO THE LOCAL LAW ENFORCEMENT AGENCY OR SHERIFF'S DEPART-  
11 MENT HAVING JURISDICTION WHERE HIS OR HER NEW RESIDENCE OR DOMI-  
12 CILE IS LOCATED OR THE DEPARTMENT [POST NEAREST TO] THE INDIVIDUAL'S NEW  
13 RESI-  
14 DENCE OR DOMICILE, IF ANY OF THE EVENTS DESCRIBED UNDER SUBSEC-  
15 TION (1) OCCUR.

16 (3) THE REPORT REQUIRED UNDER SUBSECTIONS (1) AND (2) SHALL  
17 BE MADE AS FOLLOWS:

18 (A) FOR AN INDIVIDUAL REGISTERED UNDER THIS ACT BEFORE THE  
19 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION AND  
20 WHO IS REQUIRED TO MAKE HIS OR HER FIRST REPORT UNDER SUBSECTIONS  
21 (1) AND (2), NOT LATER THAN JANUARY 15, 2003.

22 (B) FOR AN INDIVIDUAL WHO IS AN EMPLOYEE, A CONTRACTUAL PRO-  
23 VIDER, AN EMPLOYEE OF A CONTRACTUAL PROVIDER, OR A VOLUNTEER ON  
24 THAT CAMPUS ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT  
25 ADDED THIS SECTION, OR WHO IS A STUDENT ON THAT CAMPUS ON THE  
26 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, WHO  
27 IS SUBSEQUENTLY REQUIRED TO REGISTER UNDER THIS ACT, ON THE DATE  
HE OR SHE IS REQUIRED TO REGISTER UNDER THIS ACT.

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1 (C) EXCEPT AS PROVIDED UNDER SUBDIVISIONS (A) AND (B),  
2 WITHIN 10 DAYS AFTER THE INDIVIDUAL BECOMES AN EMPLOYEE, A CON-  
3 TRACTUAL PROVIDER, AN EMPLOYEE OF A CONTRACTUAL PROVIDER, OR A  
4 VOLUNTEER ON THAT CAMPUS, OR DISCONTINUES THAT STATUS, OR CHANGES  
5 LOCATION, OR WITHIN 10 DAYS AFTER HE OR SHE ENROLLS OR DISCONTIN-  
6 UES HIS OR HER ENROLLMENT AS A STUDENT ON THAT CAMPUS INCLUDING  
7 STUDY IN THIS STATE OR ANOTHER STATE, A TERRITORY OR POSSESSION  
8 OF THE UNITED STATES, OR ANOTHER COUNTRY.

9 (4) THE ADDITIONAL REGISTRATION REPORTS REQUIRED UNDER THIS  
10 SECTION SHALL BE MADE IN THE TIME PERIODS DESCRIBED IN SECTION  
11 5A(4)(A) AND (B) FOR REPORTS UNDER THAT SECTION.

12 (5) THE [LOCAL] LAW ENFORCEMENT AGENCY [, SHERIFF'S DEPARTMENT, OR  
DEPARTMENT POST] TO WHICH AN INDIVIDUAL  
13 REPORTS UNDER THIS SECTION SHALL REQUIRE THE INDIVIDUAL TO  
14 PRESENT WRITTEN DOCUMENTATION OF EMPLOYMENT STATUS, CONTRACTUAL  
15 RELATIONSHIP, VOLUNTEER STATUS, OR STUDENT STATUS. WRITTEN DOCU-  
16 MENTATION UNDER THIS SUBSECTION MAY INCLUDE, BUT NEED NOT BE  
17 LIMITED TO, ANY OF THE FOLLOWING:

18 (A) A W-2 FORM, PAY STUB, OR WRITTEN STATEMENT BY AN  
19 EMPLOYER.

20 (B) A CONTRACT.

21 (C) A STUDENT IDENTIFICATION CARD OR STUDENT TRANSCRIPT.

22 Sec. 5. (1) Within 10 days after any of the following  
23 occur, an individual required to be registered under this act  
24 shall notify the local law enforcement agency or sheriff's  
25 department having jurisdiction where his or her new residence or  
26 domicile is located or the department [POST] of the individual's new  
27 residence or domicile:



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1 (a) The individual changes his or her residence, domicile,  
2 or place of work or education, INCLUDING ANY CHANGE REQUIRED TO  
3 BE REPORTED UNDER SECTION 4A.

4 (b) The individual is paroled.

5 (c) Final release of the individual from the jurisdiction of  
6 the department of corrections.

7 (2) Within 10 days after either of the following occurs, the  
8 department of corrections shall notify the local law enforcement  
9 agency or sheriff's department having jurisdiction over the area  
10 to which the individual is transferred or the department [POST] of the  
11 transferred residence or domicile of an individual required to be  
12 registered under this act:

13 (a) The individual is transferred to a community residential  
14 program.

15 (b) The individual is transferred into a minimum custody  
16 correctional facility of any kind, including a correctional camp  
17 or work camp.

18 (3) An individual required to be registered under this act  
19 shall notify the department on a form prescribed by the depart-  
20 ment not later than 10 days before he or she changes his or her  
21 domicile or residence to another state. The individual shall  
22 indicate the new state and, if known, the new address. The  
23 department shall update the registration and compilation data-  
24 bases and promptly notify the appropriate law enforcement agency  
25 and any applicable sex or child offender registration authority  
26 in the new state.

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1 (4) If the probation or parole of an individual required to  
2 be registered under this act is transferred to another state or  
3 an individual required to be registered under this act is trans-  
4 ferred from a state correctional facility to any correctional  
5 facility or probation or parole in another state, the department  
6 of corrections shall promptly notify the department and the  
7 appropriate law enforcement agency and any applicable sex or  
8 child offender registration authority in the new state. The  
9 department shall update the registration and compilation  
10 databases.

11 (5) An individual registered under this act shall comply  
12 with the verification procedures and proof of residence proce-  
13 dures prescribed in ~~section~~ SECTIONS 4A AND 5a.

14 (6) Except as provided in subsection (7), an individual  
15 shall comply with this section for 25 years after the date of  
16 initially registering or, if the individual is in a state correc-  
17 tional facility, for 10 years after release from the state cor-  
18 rectional facility, whichever is longer.

19 (7) An individual shall comply with this section for life if  
20 the individual is convicted of any of the following or a substan-  
21 tially similar offense under a law of the United States, any  
22 state, or any country or under tribal or military law:

23 (a) A violation of section 520b of the Michigan penal code,  
24 1931 PA 328, MCL 750.520b.

25 (b) A violation of section 520c(1)(a) of the Michigan penal  
26 code, 1931 PA 328, MCL 750.520c.

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1 (c) A violation of section 349 of the Michigan penal code,  
2 1931 PA 328, MCL 750.349, if the victim is less than 18 years of  
3 age.

4 (d) A violation of section 350 of the Michigan penal code,  
5 1931 PA 328, MCL 750.350.

6 (e) A violation of section 145c(2) or (3) of the Michigan  
7 penal code, 1931 PA 328, MCL 750.145c.

8 (f) An attempt or conspiracy to commit an offense described  
9 in subdivisions (a) to (e).

10 (g) Except as provided in this subdivision, a second or sub-  
11 sequent listed offense after October 1, 1995 regardless of when  
12 any earlier listed offense was committed. An individual is not  
13 required to comply with this section for life if his or her first  
14 or second listed offense is for a conviction on or before  
15 September 1, 1999 for an offense that was added on September 1,  
16 1999 to the definition of listed offense, unless he or she is  
17 convicted of a subsequent listed offense after September 1,  
18 1999.

19 Sec. 5a. (1) Not later than September 1, 1999, the depart-  
20 ment shall mail a notice to each individual registered under this  
21 act who is not in a state correctional facility explaining the  
22 individual's duties under this section and this act as amended  
23 and the procedure for registration, notification, and  
24 verification.

25 (2) Upon the release of an individual registered under this  
26 act who is in a state correctional facility, the department of  
27 corrections shall provide written notice to that individual

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1 explaining his or her duties under this section and this act as  
2 amended and the procedure for registration, notification, and  
3 verification. The individual shall sign and date the notice.  
4 The department of corrections shall maintain a copy of the signed  
5 and dated notice in the individual's file. The department of  
6 corrections shall forward the original notice to the department  
7 within 30 days, regardless of whether the individual signs it.

8 (3) Not later than January 15, 2000, an individual regis-  
9 tered under this act who is not incarcerated shall report in  
10 person to the local law enforcement agency or sheriff's depart-  
11 ment having jurisdiction where he or she is domiciled or resides  
12 or to the department post in or nearest to the county where he or  
13 she is domiciled or resides. The individual shall present proof  
14 of domicile or residence and update any information that changed  
15 since registration, INCLUDING INFORMATION THAT IS REQUIRED TO BE  
16 REPORTED UNDER SECTION 4A. An individual registered under this  
17 act who is incarcerated on January 15, 2000 shall report under  
18 this subsection not less than 10 days after he or she is  
19 released.

20 (4) Following initial verification under subsection (3), or  
21 registration under this act after January 15, 2000, an individual  
22 required to be registered under this act who is not incarcerated  
23 shall report in person to the local law enforcement agency or  
24 sheriff's department having jurisdiction where he or she is domi-  
25 ciled or resides or to the department post in or nearest to the  
26 county where he or she is domiciled or resides for verification  
27 of domicile or residence as follows:

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- 1 (a) If the person is registered only for 1 or more  
2 misdemeanor listed offenses, not earlier than January 1 or later  
3 than January 15 of each year after the initial verification or  
4 registration. As used in this subdivision, "misdemeanor listed  
5 offense" means a listed offense that is any of the following:
- 6 (i) A VIOLATION OF SECTION 145A OF THE MICHIGAN PENAL CODE, 1931 PA  
7 328, MCL 750.145A, COMMITTED BEFORE JUNE 1, 2002.
  - 8 (ii) ~~(i)~~ A violation of section ~~145a~~, 145c(4), 167(1)(f), or 448  
9 of the Michigan penal code, 1931 PA 328, MCL ~~750.145a~~, 750.145c,  
10 750.167, and 750.448.
  - 11 (iii) ~~(ii)~~ A violation of section 335a of the Michigan penal code,  
12 1931 PA 328, MCL 750.335a, other than a violation committed by a  
13 person who was, at the time of the offense, a sexually delinquent  
14 person as defined in section 10a of the Michigan penal code, 1931  
15 PA 328, MCL 750.10a.
  - 16 (iv) ~~(iii)~~ A violation of a local ordinance of a municipality  
17 substantially corresponding to a section described in subpara-  
18 graph (i), ~~or (ii)~~ (ii), OR (iii).
  - 19 (v) ~~(iv)~~ A violation of a law of this state or a local ordinance  
20 of a municipality that by its nature constitutes a sexual offense  
21 against an individual who is less than 18 years of age if the  
22 violation is not specifically designated a felony and is punish-  
23 able by imprisonment for 1 year or less.
  - 24 (vi) ~~(v)~~ An attempt or conspiracy to commit an offense described  
25 in subparagraphs (i) to ~~(iv)~~ (v).
  - 26 (vii) ~~(vi)~~ An offense substantially similar to an offense  
27 described in subparagraphs (i) to ~~(v)~~ (vi) under a law of the United  
States, any state, or any country or under tribal or military  
law.

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1 (b) If the person is registered for 1 or more felony listed  
2 offenses, not earlier than the first day or later than the fif-  
3 teenth day of each April, July, October, and January following  
4 initial verification or registration. As used in this subdivi-  
5 sion, "felony listed offense" means a listed offense that is any  
6 of the following:

(i) A VIOLATION OF SECTION 145A OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.145A, COMMITTED ON OR AFTER JUNE 1, 2002.

7 (ii) ~~(i)~~ A violation of section 145b, 145c(2) or (3), 349, 350,  
8 455, 520b, 520c, 520d, 520e, or 520g of the Michigan penal code,  
9 1931 PA 328, MCL 750.145b, 750.145c, 750.349, 750.350, 750.455,  
10 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g.

11 (iii) ~~(ii)~~ A violation of section 335a of the Michigan penal code,  
12 1931 PA 328, MCL 750.335a, committed by a person who was, at the  
13 time of the offense, a sexually delinquent person as defined in  
14 section 10a of the Michigan penal code, 1931 PA 328,  
15 MCL 750.10a.

16 (iv) ~~(iii)~~ A violation of a law of this state that by its nature  
17 constitutes a sexual offense against an individual who is less  
18 than 18 years of age if the violation is specifically designated  
19 a felony or is punishable by imprisonment for more than 1 year.

20 (v) ~~(iv)~~ An attempt or conspiracy to commit an offense described  
21 in subparagraphs (i) to ~~(iii)~~ (iv).

22 (vi) ~~(v)~~ An offense substantially similar to an offense described  
23 in subparagraphs (i) to ~~(iv)~~ (v) under a law of the United States,  
24 any state, or any country or under tribal or military law.

25 (5) When an individual reports under subsection (3) or (4),  
26 an officer or authorized employee of the [LOCAL] law enforcement agency,  
27 sheriff's department, or department post shall verify the

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1 individual's residence or domicile AND ANY INFORMATION REQUIRED  
2 TO BE REPORTED UNDER SECTION 4A. The officer or authorized  
3 employee shall sign and date a verification form. The officer  
4 shall give a copy of the signed form showing the date of verifi-  
5 cation to the individual. The officer or employee shall forward  
6 verification information to the department by the law enforcement  
7 information network in the manner the department prescribes. The  
8 department shall revise the data bases maintained under section 8  
9 as necessary and shall indicate verification in the compilation  
10 under section 8(2).

11 (6) An individual required to be registered under this act  
12 shall maintain either a valid operator's or chauffeur's license  
13 issued under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to  
14 257.923, or an official state personal identification card issued  
15 under 1972 PA 222, MCL 28.291 to 28.300, with the individual's  
16 current address. The license or card may be used as proof of  
17 domicile or residence under this section. In addition, the offi-  
18 cer or authorized employee may require the individual to produce  
19 another document bearing his or her name and address, including  
20 but not limited to voter registration or a utility or other  
21 bill. The department may specify other satisfactory proof of  
22 domicile or residence.

23 (7) Not earlier than January 1, 2000 or later than January  
24 15, 2000, an individual registered under this act who is not  
25 incarcerated shall report in person to a secretary of state  
26 office and have his or her digitized photograph taken. An  
27 individual registered under this act who is incarcerated on

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1 January 15, 2000 shall report under this subsection not less than  
2 10 days after he or she is released. The individual is not  
3 required to report under this subsection if he or she had a digi-  
4 tized photograph taken for an operator's or chauffeur's license  
5 or official state personal identification card before January 1,  
6 2000, or within 2 years before he or she is released. The photo-  
7 graph shall be used on the individual's operator's or chauffeur's  
8 license or official state personal identification card. The  
9 individual shall have a new photograph taken when he or she  
10 renews the license or identification card as provided by law.  
11 The secretary of state shall make the digitized photograph avail-  
12 able to the department for a registration under this act.

13 (8) If an individual does not report under subsection (3) or  
14 (4) OR SECTION 4A, the department shall notify the local law  
15 enforcement agency [, SHERIFF'S DEPARTMENT, OR DEPARTMENT POST]. An  
16 appearance ticket may be issued for the  
17 individual's failure to report as provided in sections 9a to 9g  
18 of chapter IV of the code of criminal procedure, 1927 PA 175,  
19 MCL 764.9a to 764.9g.

19 (9) The department shall prescribe the form for the notices  
20 and verification procedures required under this section.

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

25 (a) The individual's name, social security number, date of  
26 birth, and address or expected address. An individual who is in  
27 a witness protection and relocation program is only required to



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1 use the name and identifying information reflecting his or her  
2 new identity in a registration under this act. The registration  
3 and compilation databases shall not contain any information iden-  
4 tifying the individual's prior identity or locale. The depart-  
5 ment shall request each individual to provide his or her date of  
6 birth if it is not included in the registration, and that indi-  
7 vidual shall comply with the request within 10 days.

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

12 (c) A complete physical description of the individual.

13 (d) The photograph required under section 5a.

14 (e) The individual's fingerprints if not already on file  
15 with the department. An individual required to be registered on  
16 September 1, 1999 shall have his or her fingerprints taken not  
17 later than September 12, 1999 if not already on file with the  
18 department. The department shall forward a copy of the  
19 individual's fingerprints to the federal bureau of investigation  
20 if not already on file with that bureau.

21 (F) INFORMATION THAT IS REQUIRED TO BE REPORTED UNDER SEC-  
22 TION 4A.

23 (2) A registration may contain the individual's blood type  
24 and whether a DNA identification profile of the individual is  
25 available.

26 (3) The form used for registration or verification under  
27 this act shall contain a written statement that explains the duty

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1 of the individual being registered to provide notice of a change  
2 of address under section 5, the procedures for providing that  
3 notice, and the verification procedures under section 5a.

4 (4) The individual shall sign a registration, notice, and  
5 verification. However, the registration, notice, or verification  
6 shall be forwarded to the department regardless of whether the  
7 individual signs it.

8 (5) The officer, court, or an employee of the agency regis-  
9 tering the individual or receiving or accepting a registration  
10 under section 4 shall sign the registration form.

11 (6) An individual shall not knowingly provide false or mis-  
12 leading information concerning a registration, notice, or  
13 verification.

14 (7) The department shall prescribe the form for a notifica-  
15 tion required under section 5 and the format for forwarding the  
16 notification to the department.

17 (8) The department shall promptly provide registration,  
18 notice, and verification information to the federal bureau of  
19 investigation and to local law enforcement agencies [, SHERIFF'S  
DEPARTMENTS, DEPARTMENT POSTS,] and agencies  
20 of other states requiring the information, as provided by law.

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

23 (2) The department shall maintain a computerized data base  
24 separate from that described in subsection (1) to implement  
25 section 10(2) and (3). The data base shall consist of a compila-  
26 tion of individuals registered under this act, but except as  
27 provided in this subsection, shall not include any individual

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1 registered solely because he or she had 1 or more dispositions  
2 for a listed offense entered under section 18 of chapter XIIA of  
3 the probate code of 1939, 1939 PA 288, MCL 712A.18, in a case  
4 that was not designated as a case in which the individual was to  
5 be tried in the same manner as an adult under section 2d of chap-  
6 ter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2d.  
7 The exclusion for juvenile dispositions does not apply to a dis-  
8 position for a violation of section 520b or 520c of the Michigan  
9 penal code, 1931 PA 328, MCL 750.520b and 750.520c, after the  
10 individual becomes 18 years of age.

11 (3) The compilation of individuals shall be indexed numeri-  
12 cally by zip code area. Within each zip code area, the compila-  
13 tion shall contain ~~the~~ ALL OF THE FOLLOWING INFORMATION:

14 (A) THE name and aliases, address, physical description, and  
15 birth date of each individual registered under this act who is  
16 included in the compilation and who resides in that zip code area  
17 and any listed offense of which the individual has been  
18 convicted.

19 (B) THE NAME AND CAMPUS LOCATION OF EACH INSTITUTION OF  
20 HIGHER EDUCATION TO WHICH THE INDIVIDUAL IS REQUIRED TO REPORT  
21 UNDER SECTION 4A.

22 (4) The department shall update the compilation with new  
23 registrations, deletions from registrations, and address changes  
24 at the same time those changes are made to the data base  
25 described in subsection (1). The department shall make the com-  
26 pilation available to each department post, local law enforcement  
27 agency, and sheriff's department by the law enforcement

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1 information network. Upon request by a department post, local  
2 law enforcement agency, or sheriff's department, the department  
3 shall provide to that post, agency, or sheriff's department the  
4 information from the compilation in printed form for the zip code  
5 areas located in whole or in part within the post's, agency's, or  
6 sheriff's department's jurisdiction. THE DEPARTMENT SHALL PRO-  
7 VIDE THE ABILITY TO CONDUCT A COMPUTERIZED SEARCH OF THE COMPILA-  
8 TION BASED UPON THE NAME AND CAMPUS LOCATION OF AN INSTITUTION OF  
9 HIGHER EDUCATION DESCRIBED IN SUBSECTION (3)(B).

10 (5) The department shall make the compilation or information  
11 from the compilation available to a department post, local law  
12 enforcement agency, sheriff's department, and the public by elec-  
13 tronic, computerized, or other similar means accessible to the  
14 post, agency, or sheriff's department. The electronic, computer-  
15 ized, or other similar means shall provide for both a search by  
16 name and by zip code.

17 (6) ~~(3)~~ If a court determines that the public availability  
18 under section 10 of any information concerning individuals regis-  
19 tered under this act, including names and aliases, addresses,  
20 physical descriptions, or dates of birth, violates the constitu-  
21 tion of the United States or this state, the department shall  
22 revise the compilation in subsection (2) so that it does not con-  
23 tain that information.

24 Sec. 9. (1) Except as provided in subsections (2) and (3),  
25 an individual required to be registered under this act who will-  
26 fully violates this act is guilty of a felony punishable as  
27 follows:

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1 (a) If the individual has no prior convictions for a  
2 violation of this act, other than a failure to comply with sec-  
3 tion 5a, by imprisonment for not more than 4 years or a fine of  
4 not more than \$2,000.00, or both.

5 (b) If the individual has 1 prior conviction for a violation  
6 of this act, other than a failure to comply with section 5a, by  
7 imprisonment for not more than 7 years or a fine of not more than  
8 \$5,000.00, or both.

9 (c) If the individual has 2 or more prior convictions for  
10 violations of this act, other than a failure to comply with sec-  
11 tion 5a, by imprisonment for not more than 10 years or a fine of  
12 not more than \$10,000.00, or both.

13 (2) An individual who fails to comply with section 5a is  
14 guilty of a misdemeanor punishable by imprisonment for not more  
15 than ~~90~~ 93 days or a fine of not more than ~~\$500.00~~ \$1,000.00,  
16 or both.

17 (3) An individual who willfully fails to sign a registra-  
18 tion, notice, or verification as provided in section 7(4) is  
19 guilty of a misdemeanor punishable by imprisonment for not more  
20 than 93 days or a fine of not more than ~~\$500.00~~ \$1,000.00, or  
21 both.

22 (4) The court shall revoke the probation of an individual  
23 placed on probation who willfully violates this act.

24 (5) The court shall revoke the youthful trainee status of an  
25 individual assigned to youthful trainee status who willfully vio-  
26 lates this act.

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1           (6) The parole board shall rescind the parole of an  
2 individual released on parole who willfully violates this act.

3           (7) An individual's failure to register as required by this  
4 act or a violation of section 5(1), (3), or (4) may be prosecuted  
5 in the judicial district of any of the following:

6           (a) The individual's last registered address or residence.

7           (b) The individual's actual address or residence.

8           (c) Where the individual was arrested for the violation.

9           Sec. 10. (1) Except as provided in this act, a registration  
10 OR REPORT UNDER SECTION 4A is confidential and INFORMATION FROM  
11 THAT REGISTRATION OR REPORT shall not be open to inspection  
12 except for law enforcement purposes. The registration OR REPORT  
13 and all included materials and information are exempt from dis-  
14 closure under section 13 of the freedom of information act, 1976  
15 PA 442, MCL 15.243.

16           (2) A department post, local law enforcement agency, or  
17 sheriff's department shall make information from the compilation  
18 described in section 8(2) for the zip code areas located in whole  
19 or in part within the post's, agency's, or sheriff's department's  
20 jurisdiction available for public inspection during regular busi-  
21 ness hours. A department post, local law enforcement agency, or  
22 sheriff's department is not required to make a copy of the infor-  
23 mation for a member of the public.

24           (3) The department may make information from the compilation  
25 described in section 8(2) available to the public through elec-  
26 tronic, computerized, or other accessible means.

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1           (4) Except as provided in this act, an individual other than  
2 the registrant who knows of a registration OR REPORT under this  
3 act and who divulges, uses, or publishes nonpublic information  
4 concerning the registration OR REPORT in violation of this act is  
5 guilty of a misdemeanor punishable by imprisonment for not more  
6 than ~~90~~ 93 days or a fine of not more than ~~\$500.00~~ \$1,000.00,  
7 or both.

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

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

15           Enacting section 1. This amendatory act takes effect  
16 October 1, 2002.