

HOUSE BILL No. 5241

October 16, 2001, Introduced by Reps. Bishop, Pappageorge and Ruth Johnson and referred to the Committee on Criminal Justice.

A bill to amend 1994 PA 295, entitled
"Sex offenders registration act,"
by amending section 5 (MCL 28.725), as amended by 1999 PA 85.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) Within 10 days after ~~any~~ EITHER of the fol-
2 lowing ~~occur~~ OCCURS, an individual required to be registered
3 under this act shall notify the local law enforcement agency or
4 sheriff's department having jurisdiction where his or her new
5 residence or domicile is located or the department of the
6 individual's new residence or domicile:

7 ~~(a) The individual changes his or her residence, domicile,~~
8 ~~or place of work or education.~~

9 (A) ~~(b)~~ The individual is paroled.

10 (B) ~~(c)~~ Final release of the individual from the
11 jurisdiction of the department of corrections.

1 (2) WITHIN 10 DAYS AFTER AN INDIVIDUAL WHO IS REQUIRED TO BE
2 REGISTERED UNDER THIS ACT CHANGES HIS OR HER RESIDENCE OR DOMI-
3 CILE OR PLACE OF WORK OR EDUCATION, THE INDIVIDUAL SHALL NOTIFY
4 ALL OF THE FOLLOWING OF THE INDIVIDUAL'S NEW RESIDENCE OR DOMI-
5 CILE OR PLACE OF WORK OR EDUCATION:

6 (A) THE LOCAL LAW ENFORCEMENT AGENCY OR SHERIFF'S DEPARTMENT
7 HAVING JURISDICTION OF THE LOCAL UNIT OF GOVERNMENT IN WHICH HE
8 OR SHE PREVIOUSLY RESIDED OR WAS DOMICILED OR WORKED OR RECEIVED
9 EDUCATION.

10 (B) THE LOCAL LAW ENFORCEMENT AGENCY OR SHERIFF'S DEPARTMENT
11 HAVING JURISDICTION OF THE LOCAL UNIT OF GOVERNMENT IN WHICH HE
12 OR SHE INTENDS TO RESIDE OR BE DOMICILED OR WORK OR RECEIVE
13 EDUCATION.

14 (C) THE DEPARTMENT.

15 (3) ~~-(2)-~~ Within 10 days after either of the following
16 occurs, the department of corrections shall notify the local law
17 enforcement agency or sheriff's department having jurisdiction
18 over the area to which the individual is transferred or the
19 department of the transferred residence or domicile of an indi-
20 vidual required to be registered under this act:

21 (a) The individual is transferred to a community residential
22 program.

23 (b) The individual is transferred into a minimum custody
24 correctional facility of any kind, including a correctional camp
25 or work camp.

26 (4) ~~-(3)-~~ An individual required to be registered under this
27 act shall notify the department on a form prescribed by the

1 department not later than 10 days before he or she changes his or
2 her domicile or residence to another state. The individual shall
3 indicate the new state and, if known, the new address. The
4 department shall update the registration and compilation data-
5 bases and promptly notify the appropriate law enforcement agency
6 and any applicable sex or child offender registration authority
7 in the new state.

8 (5) ~~-(4)-~~ If the probation or parole of an individual
9 required to be registered under this act is transferred to
10 another state or an individual required to be registered under
11 this act is transferred from a state correctional facility to any
12 correctional facility or probation or parole in another state,
13 the department of corrections shall promptly notify the depart-
14 ment and the appropriate law enforcement agency and any applica-
15 ble sex or child offender registration authority in the new
16 state. The department shall update the registration and compila-
17 tion databases.

18 (6) ~~-(5)-~~ An individual registered under this act shall
19 comply with the verification procedures and proof of residence
20 procedures prescribed in section 5a.

21 (7) ~~-(6)-~~ Except as provided in subsection ~~-(7)-~~ (8), an
22 individual shall comply with this section for 25 years after the
23 date of initially registering or, if the individual is in a state
24 correctional facility, for 10 years after release from the state
25 correctional facility, whichever is longer.

26 (8) ~~-(7)-~~ An individual shall comply with this section for
27 life if the individual is convicted of any of the following or a

1 substantially similar offense under a law of the United States,
2 any state, or any country or under tribal or military law:

3 (a) A violation of section 520b of the Michigan penal code,
4 1931 PA 328, MCL 750.520b.

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

7 (c) A violation of section 349 of the Michigan penal code,
8 1931 PA 328, MCL 750.349, if the victim is less than 18 years of
9 age.

10 (d) A violation of section 350 of the Michigan penal code,
11 1931 PA 328, MCL 750.350.

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

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

16 (g) Except as provided in this subdivision, a second or sub-
17 sequent listed offense after October 1, 1995 regardless of when
18 any earlier listed offense was committed. An individual is not
19 required to comply with this section for life if his or her first
20 or second listed offense is for a conviction on or before
21 September 1, 1999 for an offense that was added on September 1,
22 1999 to the definition of listed offense, unless he or she is
23 convicted of a subsequent listed offense after September 1,
24 1999.