

HOUSE BILL No. 4920

July 2, 2003, Introduced by Reps. Julian, McConico, Hummel, Voorhees and Kooiman and referred to the Committee on Criminal Justice.

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending sections 5 and 8 (MCL 28.725 and 28.728), as amended by 2002 PA 542, and by adding section 8c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

7 (a) The individual changes his or her residence, domicile, or
8 place of work or education, including any change required to be
9 reported under section 4a.

10 (b) The individual is paroled.

1 (c) Final release of the individual from the jurisdiction of
2 the department of corrections.

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

9 (a) The individual is transferred to a community residential
10 program.

11 (b) The individual is transferred into a minimum custody
12 correctional facility of any kind, including a correctional camp
13 or work camp.

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

23 (4) If the probation or parole of an individual required to
24 be registered under this act is transferred to another state or
25 an individual required to be registered under this act is
26 transferred from a state correctional facility to any
27 correctional facility or probation or parole in another state,

1 the department of corrections shall promptly notify the
2 department and the appropriate law enforcement agency and any
3 applicable sex or child offender registration authority in the
4 new state. The department shall update the registration and
5 compilation databases.

6 (5) An individual registered under this act shall comply with
7 the verification procedures and proof of residence procedures
8 prescribed in sections 4a and 5a.

9 (6) Except as provided in ~~subsection (7)~~ **subsections (7),**
10 **(8), and (9)**, an individual shall comply with this section for 25
11 years after the date of initially registering or, if the
12 individual is in a state correctional facility, for 10 years
13 after release from the state correctional facility, whichever is
14 longer.

15 (7) ~~An~~ **Except as provided in subsection (9),** an individual
16 shall comply with this section for life if the individual is
17 convicted of any of the following or a substantially similar
18 offense under a law of the United States, any state, or any
19 country or under tribal or military law:

20 (a) A violation of section 520b of the Michigan penal code,
21 1931 PA 328, MCL 750.520b.

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

24 (c) A violation of section 349 of the Michigan penal code,
25 1931 PA 328, MCL 750.349, if the victim is less than 18 years of
26 age.

27 (d) A violation of section 350 of the Michigan penal code,

1 1931 PA 328, MCL 750.350.

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

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

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

15 (8) An individual shall comply with this section for 10 years
16 if the individual is convicted as a juvenile for committing or
17 attempting to commit a violation of section 520d(1)(a) or section
18 520e of the Michigan penal code, 1931 PA 328, MCL 750.520d and
19 750.520e.

20 (9) An individual shall comply with this section for 10 years
21 after the individual is assigned to youthful trainee status under
22 sections 11 to 15 of chapter II of the code of criminal
23 procedure, 1927 PA 175, MCL 762.11 to 762.15, for a listed
24 offense, unless the individual fails to successfully complete
25 that youthful trainee status, in which case the individual shall
26 comply with this section as otherwise provided in subsections (6)
27 and (7).

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

3 (2) The department shall maintain a computerized data base
4 separate from that described in subsection (1) to implement
5 section 10(2) and (3). The data base shall consist of a
6 compilation of individuals registered under this act, but except
7 as provided in this subsection, shall not include ~~any~~ **either of**
8 **the following:**

9 **(a) An individual registered solely because he or she had 1**
10 **or more dispositions for a listed offense entered under section**
11 **18 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL**
12 **712A.18, in a case that was not designated as a case in which the**
13 **individual was to be tried in the same manner as an adult under**
14 **section 2d of chapter XIIA of the probate code of 1939, 1939 PA**
15 **288, MCL 712A.2d. The exclusion for juvenile dispositions does**
16 **not apply to a disposition for a violation of section 520b or**
17 **520c of the Michigan penal code, 1931 PA 328, MCL 750.520b and**
18 **750.520c, after the individual becomes 18 years of age.**

19 **(b) An individual registered solely because he or she is**
20 **assigned to youthful trainee status under sections 11 to 15 of**
21 **chapter II of the code of criminal procedure, 1927 PA 175, MCL**
22 **762.11 to 762.15, for committing a listed offense unless the**
23 **individual has failed to successfully complete that youthful**
24 **trainee status.**

25 (3) The compilation of individuals shall be indexed
26 numerically by zip code area. Within each zip code area, the
27 compilation shall contain all of the following information:

1 (a) The name and aliases, address, physical description, and
2 birth date of each individual registered under this act who is
3 included in the compilation and who resides in that zip code area
4 and any listed offense of which the individual has been
5 convicted.

6 (b) The name and campus location of each institution of
7 higher education to which the individual is required to report
8 under section 4a.

9 (4) The department shall update the compilation with new
10 registrations, deletions from registrations, and address changes
11 at the same time those changes are made to the data base
12 described in subsection (1). The department shall make the
13 compilation available to each department post, local law
14 enforcement agency, and sheriff's department by the law
15 enforcement information network. Upon request by a department
16 post, local law enforcement agency, or sheriff's department, the
17 department shall provide to that post, agency, or sheriff's
18 department the information from the compilation in printed form
19 for the zip code areas located in whole or in part within the
20 post's, agency's, or sheriff's department's jurisdiction. The
21 department shall provide the ability to conduct a computerized
22 search of the compilation based upon the name and campus location
23 of an institution of higher education described in subsection
24 (3)(b).

25 (5) The department shall make the compilation or information
26 from the compilation available to a department post, local law
27 enforcement agency, sheriff's department, and the public by

1 electronic, computerized, or other similar means accessible to
2 the post, agency, or sheriff's department. The electronic,
3 computerized, or other similar means shall provide for both a
4 search by name and by zip code.

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

12 **Sec. 8c. (1) An individual who was convicted of an offense**
13 **for which registration is required under section 5(8) or (9)**
14 **before the effective date of the amendatory act that added this**
15 **section and who has been registered as required for 10 years or**
16 **more may petition the court for an order exempting him or her**
17 **from registration under this act. The individual shall provide a**
18 **copy of the petition to the prosecuting attorney not less than 30**
19 **days before a hearing is held on the petition.**

20 (2) If an individual properly petitions the court under
21 subsection (1) and the court determines that the individual has
22 met the requirements of that subsection, the court may, with the
23 consent of the prosecuting attorney, issue an order exempting the
24 individual from registering under this act for that violation and
25 requiring the department to remove the individual's registration
26 information from the compilations required under sections 5 and
27 8.