

HOUSE BILL No. 5349

October 24, 2007, Introduced by Rep. David Law and referred to the Committee on Judiciary.

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending sections 3, 4, 5a, and 7 (MCL 28.723, 28.724, 28.725a, and 28.727), section 3 as amended by 1999 PA 85, section 4 as amended by 2004 PA 240, section 5a as amended by 2005 PA 322, and section 7 as amended by 2004 PA 237.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) Subject to subsection (2), the following
2 individuals who are domiciled or temporarily reside in this state
3 for 14 or more consecutive days, who work with or without
4 compensation or are students in this state for 14 or more
5 consecutive days, or who are domiciled, reside, or work with or
6 without compensation or are students in this state for 30 or more

1 total days in a calendar year are required to be registered under
2 this act:

3 (a) An individual who is convicted of a listed offense after
4 October 1, 1995.

5 (b) An individual convicted of a listed offense on or before
6 October 1, 1995 if on October 1, 1995 he or she is on probation or
7 parole, committed to jail, committed to the jurisdiction of the
8 department of corrections, or under the jurisdiction of the
9 juvenile division of the probate court or the department of social
10 services for that offense or is placed on probation or parole,
11 committed to jail, committed to the jurisdiction of the department
12 of corrections, placed under the jurisdiction of the juvenile
13 division of the probate court or family division of circuit court,
14 or committed to the department of social services or family
15 independence agency after October 1, 1995 for that offense.

16 (c) An individual convicted of an offense described in section
17 ~~2(d) (xiii)~~ **2 (E) (xiii)** on or before October 1, 1995 if on October 1,
18 1995 he or she is on probation or parole that has been transferred
19 to this state for that offense or his or her probation or parole is
20 transferred to this state after October 1, 1995 for that offense.

21 (d) An individual from another state who is required to
22 register or otherwise be identified as a sex or child offender or
23 predator under a comparable statute of that state.

24 **(E) BEGINNING OCTOBER 1, 2007, AN INDIVIDUAL CONVICTED OF**
25 **VIOLATING SECTION 520B OR 520C OF THE MICHIGAN PENAL CODE, 1931 PA**
26 **328, MCL 750.520B AND 750.520C, OR A SUBSTANTIALLY SIMILAR LAW OF**
27 **THE UNITED STATES OR OF ANOTHER STATE OR COUNTRY, OR A**

1 SUBSTANTIALLY SIMILAR TRIBAL OR MILITARY LAW, WHO HAS NOT
2 PREVIOUSLY REGISTERED UNDER THIS ACT, IF ALL OF THE FOLLOWING
3 APPLY:

4 (i) THE INDIVIDUAL WAS CONVICTED OF THE OFFENSE ON OR BEFORE
5 OCTOBER 1, 1995.

6 (ii) THE INDIVIDUAL WAS 17 YEARS OF AGE OR OLDER AT THE TIME
7 THE OFFENSE WAS COMMITTED.

8 (iii) THE VICTIM WAS UNDER 13 YEARS OF AGE AT THE TIME THE
9 OFFENSE WAS COMMITTED.

10 (2) An individual convicted of an offense added on September
11 1, 1999 to the definition of listed offense is not required to be
12 registered solely because of that listed offense unless 1 of the
13 following applies:

14 (a) The individual is convicted of that listed offense on or
15 after September 1, 1999.

16 (b) On September 1, 1999, the individual is on probation or
17 parole, committed to jail, committed to the jurisdiction of the
18 department of corrections, under the jurisdiction of the family
19 division of circuit court, or committed to the family independence
20 agency for that offense or the individual is placed on probation or
21 parole, committed to jail, committed to the jurisdiction of the
22 department of corrections, placed under the jurisdiction of the
23 family division of circuit court, or committed to the family
24 independence agency on or after September 1, 1999 for that offense.

25 (c) On September 1, 1999, the individual is on probation or
26 parole for that offense which has been transferred to this state or
27 the individual's probation or parole for that offense is

1 transferred to this state after September 1, 1999.

2 (d) On September 1, 1999, in another state or country the
3 individual is on probation or parole, committed to jail, committed
4 to the jurisdiction of the department of corrections or a similar
5 type of state agency, under the jurisdiction of a court that
6 handles matters similar to those handled by the family division of
7 circuit court in this state, or committed to an agency with the
8 same authority as the family independence agency for that offense.

9 Sec. 4. (1) Registration of an individual under this act shall
10 proceed as provided in this section.

11 (2) ~~For~~ **EXCEPT AS PROVIDED IN SUBSECTION (5), FOR** an
12 individual convicted of a listed offense on or before October 1,
13 1995 who on or before October 1, 1995 is sentenced for that
14 offense, has a disposition entered for that offense, or is assigned
15 to youthful trainee status for that offense, the following shall
16 register the individual by December 31, 1995:

17 (a) If the individual is on probation for the listed offense,
18 the individual's probation officer.

19 (b) If the individual is committed to jail for the listed
20 offense, the sheriff or his or her designee.

21 (c) If the individual is under the jurisdiction of the
22 department of corrections for the listed offense, the department of
23 corrections.

24 (d) If the individual is on parole for the listed offense, the
25 individual's parole officer.

26 (e) If the individual is within the jurisdiction of the
27 juvenile division of the probate court or the department of social

1 services under an order of disposition for the listed offense, the
2 juvenile division of the probate court or the department of social
3 services.

4 (3) Except as provided in ~~subsection~~ **SUBSECTIONS (4) AND (5)**,
5 for an individual convicted of a listed offense on or before
6 October 1, 1995:

7 (a) If the individual is sentenced for that offense after
8 October 1, 1995 or assigned to youthful trainee status after
9 October 1, 1995, the probation officer shall register the
10 individual before sentencing or assignment.

11 (b) If the individual's probation or parole is transferred to
12 this state after October 1, 1995, the probation or parole officer
13 shall register the individual within 14 days after the transfer.

14 (c) If the individual is placed within the jurisdiction of the
15 juvenile division of the probate court or family division of
16 circuit court or committed to the department of social services or
17 family independence agency under an order of disposition entered
18 after October 1, 1995, the juvenile division of the probate court
19 or family division of circuit court shall register the individual
20 before the order of disposition is entered.

21 (4) For an individual convicted on or before September 1, 1999
22 of an offense that was added on September 1, 1999 to the definition
23 of listed offense, the following shall register the individual:

24 (a) If the individual is on probation or parole on September
25 1, 1999 for the listed offense, the individual's probation or
26 parole officer not later than September 12, 1999.

27 (b) If the individual is committed to jail on September 1,

1 1999 for the listed offense, the sheriff or his or her designee not
2 later than September 12, 1999.

3 (c) If the individual is under the jurisdiction of the
4 department of corrections on September 1, 1999 for the listed
5 offense, the department of corrections not later than November 30,
6 1999.

7 (d) If the individual is within the jurisdiction of the family
8 division of circuit court or committed to the family independence
9 agency or county juvenile agency on September 1, 1999 under an
10 order of disposition for the listed offense, the family division of
11 circuit court, the family independence agency, or the county
12 juvenile agency not later than November 30, 1999.

13 (e) If the individual is sentenced or assigned to youthful
14 trainee status for that offense after September 1, 1999, the
15 probation officer shall register the individual before sentencing
16 or assignment.

17 (f) If the individual's probation or parole for the listed
18 offense is transferred to this state after September 1, 1999, the
19 probation or parole officer shall register the individual within 14
20 days after the transfer.

21 (g) If the individual is placed within the jurisdiction of the
22 family division of circuit court or committed to the family
23 independence agency for the listed offense after September 1, 1999,
24 the family division of circuit court shall register the individual
25 before the order of disposition is entered.

26 **(5) FOR AN INDIVIDUAL WHO WAS CONVICTED OF AN OFFENSE**
27 **DESCRIBED IN SECTION 3(1)(E) BEFORE OCTOBER 1, 1995 WHO HAS NOT**

1 PREVIOUSLY REGISTERED UNDER THIS ACT, THE DEPARTMENT SHALL REGISTER
2 THE INDIVIDUAL WITHIN 14 DAYS AFTER HE OR SHE PRESENTS HIMSELF OR
3 HERSELF FOR REGISTRATION.

4 (6) ~~(5)~~—Subject to section 3, an individual convicted of a
5 listed offense in this state after October 1, 1995 shall register
6 before sentencing, entry of the order of disposition, or assignment
7 to youthful trainee status. The probation officer or the family
8 division of circuit court shall give the individual the
9 registration form after the individual is convicted, explain the
10 duty to register and to pay a registration fee, to verify his or
11 her address, and to provide notice of address changes, and accept
12 the completed registration for processing under section 6. The
13 court shall not impose sentence, enter the order of disposition,
14 or, before October 1, 2004, assign the individual to youthful
15 trainee status, until it determines that the individual's
16 registration was forwarded to the department as required under
17 section 6.

18 (7) ~~(6)~~—All of the following shall register with the local law
19 enforcement agency, sheriff's department, or the department within
20 14 days after becoming domiciled or temporarily residing, working,
21 or being a student in this state for the periods specified in
22 section 3(1):

23 (a) Subject to section 3(1), an individual convicted in
24 another state or country after October 1, 1995 of a listed offense
25 as defined before September 1, 1999.

26 (b) Subject to section 3(2), an individual convicted in
27 another state or country of an offense added on September 1, 1999

1 to the definition of listed offenses.

2 (c) An individual required to be registered as a sex offender
3 in another state or country regardless of when the conviction was
4 entered.

5 Sec. 5a. (1) Not later than December 1, 2004, the department
6 shall mail a notice to each individual registered under this act
7 who is not in a state correctional facility explaining the
8 individual's duties under this section and this act as amended and
9 the procedure for registration, notification, and verification and
10 paying the registration fee prescribed under subsection (7) or
11 section 7(1).

12 (2) Upon the release of an individual registered under this
13 act who is in a state correctional facility, the department of
14 corrections shall provide written notice to that individual
15 explaining his or her duties under this section and this act as
16 amended and the procedure for registration, notification, and
17 verification and payment of the registration fee prescribed under
18 subsection (7) or section 7(1). The individual shall sign and date
19 the notice. The department of corrections shall maintain a copy of
20 the signed and dated notice in the individual's file. The
21 department of corrections shall forward the original notice to the
22 department within 30 days, regardless of whether the individual
23 signs it.

24 (3) Not later than January 15, 2000, an individual registered
25 under this act who is not incarcerated shall report in person to
26 the local law enforcement agency or sheriff's department having
27 jurisdiction where he or she is domiciled or resides or to the

1 department post in or nearest to the county where he or she is
2 domiciled or resides. The individual shall present proof of
3 domicile or residence and update any information that changed since
4 registration, including information that is required to be reported
5 under section 4a. An individual registered under this act who is
6 incarcerated on January 15, 2000 shall report under this subsection
7 not less than 10 days after he or she is released.

8 (4) Except as provided in subsection (5), following initial
9 verification under subsection (3), or registration under this act
10 after January 15, 2000, an individual required to be registered
11 under this act who is not incarcerated shall report in person to
12 the local law enforcement agency or sheriff's department having
13 jurisdiction where he or she is domiciled or resides or to the
14 department post in or nearest to the county where he or she is
15 domiciled or resides for verification of domicile or residence as
16 follows:

17 (a) If the person is registered only for 1 or more listed
18 offenses that are misdemeanors, not earlier than January 1 or later
19 than January 15 of each year after the initial verification or
20 registration. As used in this subdivision, "misdemeanor" means that
21 term as defined in section 1 of chapter I of the code of criminal
22 procedure, 1927 PA 175, MCL 761.1.

23 (b) If the person is registered for 1 or more listed offenses
24 that are felonies, not earlier than the first day or later than the
25 fifteenth day of each April, July, October, and January following
26 initial verification or registration. As used in this subdivision,
27 "felony" means that term as defined in section 1 of chapter I of

1 the code of criminal procedure, 1927 PA 175, MCL 761.1.

2 (5) The continued reporting requirements of this section
3 following initial registration do not apply to an individual
4 convicted as a juvenile of committing an offense described in
5 section 8c(15)(a) or (b) committed by the individual when he or she
6 was less than 17 years of age, except that the individual shall
7 report a change in his or her residence within this state or to
8 another state as provided in this section within 10 days after the
9 change of residence is made. If the individual fails to file a
10 petition under section 8c before he or she becomes 18 years of age,
11 or if his or her petition is denied by the court, the individual
12 shall report as otherwise required under this section.

13 (6) When an individual reports under subsection (3) or (4), an
14 officer or authorized employee of the local law enforcement agency,
15 sheriff's department, or department post shall verify the
16 individual's residence or domicile and any information required to
17 be reported under section 4a. The officer or authorized employee
18 shall sign and date a verification form. The officer shall give a
19 copy of the signed form showing the date of verification to the
20 individual. The officer or employee shall forward verification
21 information to the department by the law enforcement information
22 network in the manner the department prescribes. The department
23 shall revise the databases maintained under section 8 as necessary
24 and shall indicate verification in the compilation under section
25 8(2).

26 (7) Except as otherwise provided in section 5b, beginning
27 October 16, 2004, an individual who reports as prescribed under

1 subsection (3) or (4) and who has not already paid the fee
2 prescribed under section 7(1) shall pay a \$35.00 registration fee.
3 An individual shall only be required to pay a fee once under this
4 subsection.

5 (8) An individual required to be registered under this act
6 shall maintain either a valid operator's or chauffeur's license
7 issued under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to
8 257.923, or an official state personal identification card issued
9 under 1972 PA 222, MCL 28.291 to 28.300, with the individual's
10 current address. The license or card may be used as proof of
11 domicile or residence under this section. In addition, the officer
12 or authorized employee may require the individual to produce
13 another document bearing his or her name and address, including,
14 but not limited to, voter registration or a utility or other bill.
15 The department may specify other satisfactory proof of domicile or
16 residence.

17 (9) ~~Not earlier than January 1, 2000 or later than January 15,~~
18 ~~2000~~ **BEGINNING OCTOBER 1, 2007 AND NOT LATER THAN JANUARY 1, 2008,**
19 an individual registered under this act who is not incarcerated
20 shall report in person to a secretary of state office and have his
21 or her digitized photograph taken. An individual registered under
22 this act who is incarcerated on January 15, 2000 shall report under
23 this subsection not less than 10 days after he or she is released.
24 The individual is not required to report under this subsection if
25 he or she had a digitized photograph taken for an operator's or
26 chauffeur's license or official state personal identification card
27 before ~~January 1, 2000~~ **OCTOBER 1, 2007**, or within 2 years before he

1 or she is released. The photograph shall be used on the
2 individual's operator's or chauffeur's license or official state
3 personal identification card. The individual shall have a new
4 photograph taken when he or she renews the license or
5 identification card as provided by law. The secretary of state
6 shall make the digitized photograph available to the department for
7 a registration under this act.

8 (10) If an individual does not report under subsection (3) or
9 (4) or section 4a, the department shall notify the local law
10 enforcement agency, sheriff's department, or department post. An
11 appearance ticket may be issued for the individual's failure to
12 report as provided in sections 9a to 9g of chapter IV of the code
13 of criminal procedure, 1927 PA 175, MCL 764.9a to 764.9g.

14 (11) The department shall prescribe the form for the notices
15 and verification procedures required under this section.

16 Sec. 7. (1) A registration under this act shall be made on a
17 form provided by the department and shall be forwarded to the
18 department in the format the department prescribes, along with a
19 \$35.00 registration fee for each original registration, except as
20 otherwise provided in section 5b. A registration shall contain all
21 of the following:

22 (a) The individual's name, social security number, date of
23 birth, and address or expected address. An individual who is in a
24 witness protection and relocation program is only required to use
25 the name and identifying information reflecting his or her new
26 identity in a registration under this act. The registration and
27 compilation databases shall not contain any information identifying

1 the individual's prior identity or locale. The department shall
2 request each individual to provide his or her date of birth if it
3 is not included in the registration, and that individual shall
4 comply with the request within 10 days.

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

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

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

11 (e) The individual's fingerprints if not already on file with
12 the department. An individual required to be registered on
13 ~~September 1, 1999~~ **OCTOBER 1, 2007** shall have his or her
14 fingerprints taken not later than ~~September 12, 1999~~ **JANUARY 1,**
15 **2008** if not already on file with the department. The department
16 shall forward a copy of the individual's fingerprints to the
17 federal bureau of investigation if not already on file with that
18 bureau.

19 (f) Information that is required to be reported under section
20 4a.

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

24 (3) The form used for registration or verification under this
25 act shall contain a written statement that explains the duty of the
26 individual being registered to provide notice of a change of
27 address under section 5, the procedures for providing that notice,

1 and the verification procedures under section 5a.

2 (4) The individual shall sign a registration, notice, and
3 verification. However, the registration, notice, or verification
4 shall be forwarded to the department regardless of whether the
5 individual signs it or pays the registration fee required under
6 subsection (1).

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

10 (6) An individual shall not knowingly provide false or
11 misleading information concerning a registration, notice, or
12 verification.

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

16 (8) The department shall promptly provide registration,
17 notice, and verification information to the federal bureau of
18 investigation and to local law enforcement agencies, sheriff's
19 departments, department posts, and agencies of other states
20 requiring the information, as provided by law.