

HOUSE BILL No. 6568

November 17, 2010, Introduced by Rep. Espinoza and referred to the Committee on Judiciary.

A bill to require persons convicted of child abuse offenses to register; to prescribe the powers and duties of certain departments and agencies in connection with that registration; and to prescribe fees, penalties, and sanctions.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the "child
2 abuse offender registration act".

3 Sec. 2. As used in this act:

4 (a) "Child abuse offense" means 1 or more of the following:

5 (i) A violation of section 136b of the Michigan penal code,
6 1931 PA 328, MCL 750.136b (child abuse).

7 (ii) A violation of 1 or more of the following committed
8 against an individual less than 18 years of age:

9 (A) Section 81 of the Michigan penal code, 1931 PA 328, MCL

1 750.81 (assault and battery).

2 (B) Section 81a of the Michigan penal code, 1931 PA 328, MCL
3 750.81a (aggravated assault and battery).

4 (C) Section 82 of the Michigan penal code, 1931 PA 328, MCL
5 750.82 (felonious assault).

6 (D) Section 83 of the Michigan penal code, 1931 PA 328, MCL
7 750.83 (assault with intent to commit murder).

8 (E) Section 84 of the Michigan penal code, 1931 PA 328, MCL
9 750.84 (assault with intent to do great bodily harm less than
10 murder).

11 (F) Section 85 of the Michigan penal code, 1931 PA 328, MCL
12 750.85 (torture).

13 (G) Section 86 of the Michigan penal code, 1931 PA 328, MCL
14 750.86 (assault with intent to maim).

15 (H) Section 91 of the Michigan penal code, 1931 PA 328, MCL
16 750.91 (attempted murder).

17 (I) Section 316 of the Michigan penal code, 1931 PA 328, MCL
18 750.316 (first degree murder).

19 (J) Section 317 of the Michigan penal code, 1931 PA 328, MCL
20 750.317 (second degree murder).

21 (K) Section 321 of the Michigan penal code, 1931 PA 328, MCL
22 750.321 (manslaughter).

23 (iii) Any other violation of a law of this state or a local
24 ordinance of a municipality that by its nature constitutes a child
25 abuse offense against an individual who is less than 18 years of
26 age.

27 (iv) An attempt or conspiracy to commit an offense described in

1 subparagraphs (i) to (iii).

2 (v) An offense substantially similar to an offense described
3 in subparagraphs (i) to (iv) under a law of the United States, any
4 state, or any country or under tribal or military law.

5 (b) "Convicted" means 1 of the following:

6 (i) Having a judgment of conviction or a probation order
7 entered in any court having jurisdiction over criminal offenses,
8 including, but not limited to, a tribal court or a military court,
9 and including a conviction subsequently set aside under 1965 PA
10 213, MCL 780.621 to 780.624.

11 (ii) Either of the following:

12 (A) Being assigned to youthful trainee status under sections
13 11 to 15 of chapter II of the code of criminal procedure, 1927 PA
14 175, MCL 762.11 to 762.15, before October 1, 2004.

15 (B) Being assigned to youthful trainee status under sections
16 11 to 15 of chapter II of the code of criminal procedure, 1927 PA
17 175, MCL 762.11 to 762.15, on or after October 1, 2004 if the
18 individual's status of youthful trainee is revoked and an
19 adjudication of guilt is entered.

20 (iii) Having an order of disposition entered under section 18 of
21 chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18,
22 that is open to the general public under section 28 of chapter XIIA
23 of the probate code of 1939, 1939 PA 288, MCL 712A.28.

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

26 (c) "Department" means the department of state police.

27 (d) "Institution of higher education" means 1 or more of the

1 following:

2 (i) A public or private community college, college, or
3 university.

4 (ii) A public or private trade, vocational, or occupational
5 school.

6 (e) "Local law enforcement agency" means the police department
7 of a municipality.

8 (f) "Municipality" means a city, village, or township of this
9 state.

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

19 (h) "Student" means an individual enrolled on a full- or part-
20 time basis in a public or private educational institution,
21 including, but not limited to, a secondary school, trade school,
22 professional institution, or institution of higher education.

23 Sec. 3. The following individuals who are domiciled or
24 temporarily reside in this state for 14 or more consecutive days,
25 who work with or without compensation or are students in this state
26 for 14 or more consecutive days, or who are domiciled, reside, or
27 work with or without compensation or are students in this state for

1 30 or more total days in a calendar year are required to be
2 registered under this act:

3 (a) An individual who is convicted of a child abuse offense
4 after January 1, 2011.

5 (b) An individual convicted of a child abuse offense on or
6 before January 1, 2011 if on January 1, 2011 he or she is on
7 probation or parole, committed to jail, committed to the
8 jurisdiction of the department of corrections, or under the
9 jurisdiction of the juvenile division of the probate court or the
10 department of human services for that offense or is placed on
11 probation or parole, committed to jail, committed to the
12 jurisdiction of the department of corrections, placed under the
13 jurisdiction of the juvenile division of the probate court or
14 family division of circuit court, or committed to the department of
15 human services after January 1, 2011 for that offense.

16 (c) An individual convicted of a child abuse offense on or
17 before January 1, 2011 if on January 1, 2011 he or she is on
18 probation or parole that has been transferred to this state for
19 that offense or his or her probation or parole is transferred to
20 this state after January 1, 2011 for that offense.

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

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

26 (2) For an individual convicted of a child abuse offense on or
27 before January 1, 2011 who on or before January 1, 2011 is

1 sentenced for that offense, has a disposition entered for that
2 offense, or is assigned to youthful trainee status for that
3 offense, the following shall register the individual by December
4 31, 2010:

5 (a) If the individual is on probation for the child abuse
6 offense, the individual's probation officer.

7 (b) If the individual is committed to jail for the child abuse
8 offense, the sheriff or his or her designee.

9 (c) If the individual is under the jurisdiction of the
10 department of corrections for the child abuse offense, the
11 department of corrections.

12 (d) If the individual is on parole for the child abuse
13 offense, the individual's parole officer.

14 (e) If the individual is within the jurisdiction of the
15 juvenile division of the probate court or the department of human
16 services under an order of disposition for the child abuse offense,
17 the juvenile division of the probate court or the department of
18 social services.

19 (3) Except as provided in subsection (4), for an individual
20 convicted of a child abuse offense on or before January 1, 2011:

21 (a) If the individual is sentenced for that offense after
22 January 1, 2011 or assigned to youthful trainee status after
23 January 1, 2011, the probation officer shall register the
24 individual before sentencing or assignment.

25 (b) If the individual's probation or parole is transferred to
26 this state after January 1, 2011, the probation or parole officer
27 shall register the individual within 14 days after the transfer.

1 (c) If the individual is placed within the jurisdiction of the
2 juvenile division of the probate court or family division of
3 circuit court or committed to the department of human services
4 under an order of disposition entered after January 1, 2011, the
5 juvenile division of the probate court or family division of
6 circuit court shall register the individual before the order of
7 disposition is entered.

8 (4) Subject to section 3, an individual convicted of a child
9 abuse offense in this state after January 1, 2011 shall register
10 before sentencing, entry of the order of disposition, or assignment
11 to youthful trainee status. The probation officer or the family
12 division of circuit court shall give the individual the
13 registration form after the individual is convicted, explain the
14 duty to register and to pay a registration fee, to verify his or
15 her address, and to provide notice of address changes, and accept
16 the completed registration for processing under section 6. The
17 court shall not impose sentence, enter the order of disposition, or
18 assign the individual to youthful trainee status, until it
19 determines that the individual's registration was forwarded to the
20 department as required under section 6.

21 (5) All of the following shall register with the local law
22 enforcement agency, sheriff's department, or the department within
23 14 days after becoming domiciled or temporarily residing, working,
24 or being a student in this state for the periods specified in
25 section 3:

26 (a) Subject to section 3, an individual convicted of a child
27 abuse offense in another state or country after January 1, 2011.

1 (b) An individual required to be registered as a child abuse
2 offender in another state or country regardless of when the
3 conviction was entered.

4 Sec. 4a. (1) An individual required to be registered under
5 this act who is not a resident of this state shall report his or
6 her status in person to the local law enforcement agency or
7 sheriff's department having jurisdiction over a campus of an
8 institution of higher education, or to the department post nearest
9 to that campus, if any of the following occur:

10 (a) Regardless of whether he or she is financially compensated
11 or receives any governmental or educational benefit, the individual
12 is or becomes a full- or part-time employee, contractual provider,
13 or volunteer with that institution of higher education and his or
14 her position will require that he or she be present on that campus
15 for 14 or more consecutive days or 30 or more total days in a
16 calendar year.

17 (b) The individual is or becomes an employee of a contractual
18 provider described in subdivision (a) and his or her position will
19 require that he or she be present on that campus for 14 or more
20 consecutive days or 30 or more total days in a calendar year.

21 (c) The status described in subdivision (a) or (b) is
22 discontinued.

23 (d) The individual changes the campus on which he or she is an
24 employee, a contractual provider, an employee of a contractual
25 provider, or a volunteer as described in subdivision (a) or (b).

26 (e) The individual is or enrolls as a student with that
27 institution of higher education or the individual discontinues that

1 enrollment.

2 (f) As part of his or her course of studies at an institution
3 of higher education in this state, the individual is present at any
4 other location in this state, another state, a territory or
5 possession of the United States, or another country for 14 or more
6 consecutive days or 30 or more total days in a calendar year, or
7 the individual discontinues his or her studies at that location.

8 (2) An individual required to be registered under this act who
9 is a resident of this state shall report his or her status in
10 person to the local law enforcement agency or sheriff's department
11 having jurisdiction where his or her new residence or domicile is
12 located or the department post nearest to the individual's new
13 residence or domicile, if any of the events described under
14 subsection (1) occur.

15 (3) The report required under subsections (1) and (2) shall be
16 made within 10 days after the individual becomes an employee, a
17 contractual provider, an employee of a contractual provider, or a
18 volunteer on that campus, or discontinues that status, or changes
19 location, or within 10 days after he or she enrolls or discontinues
20 his or her enrollment as a student on that campus including study
21 in this state or another state, a territory or possession of the
22 United States, or another country.

23 (4) The additional registration reports required under this
24 section shall be made in the time periods described in section
25 5a(4)(a) and (b) for reports under that section.

26 (5) The local law enforcement agency, sheriff's department, or
27 department post to which an individual reports under this section

1 shall require the individual to pay the registration fee required
2 under section 5a or section 7(1) and to present written
3 documentation of employment status, contractual relationship,
4 volunteer status, or student status. Written documentation under
5 this subsection may include, but need not be limited to, any of the
6 following:

7 (a) A W-2 form, pay stub, or written statement by an employer.

8 (b) A contract.

9 (c) A student identification card or student transcript.

10 Sec. 5. (1) An individual required to be registered under this
11 act shall notify the local law enforcement agency or sheriff's
12 department having jurisdiction where his or her new residence or
13 domicile is located or the department post of the individual's new
14 residence or domicile within 10 days after the individual changes
15 or vacates his or her residence, domicile, or place of work or
16 education, including any change required to be reported under
17 section 4a.

18 (2) If an individual who is incarcerated in a state
19 correctional facility and is required to be registered under this
20 act is granted parole or is due to be released upon completion of
21 his or her maximum sentence, the department of corrections, before
22 releasing the individual, shall provide notice of the location of
23 the individual's proposed place of residence or domicile to the
24 sheriff's department having jurisdiction over that location or to
25 the appropriate state police department post.

26 (3) Within 10 days after either of the following occurs, the
27 department of corrections shall notify the local law enforcement

1 agency or sheriff's department having jurisdiction over the area to
2 which the individual is transferred or the department post of the
3 transferred residence or domicile of an individual required to be
4 registered under this act:

5 (a) The individual is transferred to a community residential
6 program.

7 (b) The individual is transferred into a minimum custody
8 correctional facility of any kind, including a correctional camp or
9 work camp.

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

19 (5) If the probation or parole of an individual required to be
20 registered under this act is transferred to another state or an
21 individual required to be registered under this act is transferred
22 from a state correctional facility to any correctional facility or
23 probation or parole in another state, the department of corrections
24 shall promptly notify the department and the appropriate law
25 enforcement agency and any applicable child abuse offender
26 registration authority in the new state. The department shall
27 update the registration and compilation databases.

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

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

9 (8) An individual shall comply with this section for life if
10 the individual is convicted of any of the following or a
11 substantially similar offense under a law of the United States, any
12 state, or any country or under tribal or military law:

13 (a) A violation of section 136b(2) of the Michigan penal code,
14 1931 PA 328, MCL 750.136b (first degree child abuse).

15 (b) A violation of 1 or more of the following committed
16 against an individual less than 18 years of age:

17 (i) Section 83 of the Michigan penal code, 1931 PA 328, MCL
18 750.83 (assault with intent to commit murder).

19 (ii) Section 91 of the Michigan penal code, 1931 PA 328, MCL
20 750.91 (attempted murder).

21 (iii) Section 316 of the Michigan penal code, 1931 PA 328, MCL
22 750.316 (first degree murder).

23 (iv) Section 317 of the Michigan penal code, 1931 PA 328, MCL
24 750.317 (second degree murder).

25 (v) Section 321 of the Michigan penal code, 1931 PA 328, MCL
26 750.321 (manslaughter).

27 (c) An attempt or conspiracy to commit an offense described in

1 subdivision (a) or (b).

2 (d) A second or subsequent child abuse offense committed after
3 October 1, 2010 regardless of when any earlier child abuse offense
4 was committed.

5 Sec. 5a. (1) Not later than December 1, 2010, 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 (6) 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 (6) 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, 2011, 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, 2011 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, 2011, 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 child abuse
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 child abuse
24 offenses that are felonies, not earlier than the first day or later
25 than the fifteenth day of each April, July, October, and January
26 following initial verification or registration. As used in this
27 subdivision, "felony" means that term as defined in section 1 of

1 chapter I of the code of criminal procedure, 1927 PA 175, MCL
2 761.1.

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

16 (6) Except as otherwise provided in section 5b, an individual
17 who reports as prescribed under subsection (3) or (4) and who has
18 not already paid the fee prescribed under section 7(1) shall pay a
19 \$35.00 registration fee. An individual shall only be required to
20 pay a fee once under this subsection.

21 (7) An individual required to be registered under this act
22 shall maintain either a valid operator's or chauffeur's license
23 issued under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to
24 257.923, or an official state personal identification card issued
25 under 1972 PA 222, MCL 28.291 to 28.300, with the individual's
26 current address. The license or card may be used as proof of
27 domicile or residence under this section. In addition, the officer

1 or authorized employee may require the individual to produce
2 another document bearing his or her name and address, including,
3 but not limited to, voter registration or a utility or other bill.
4 The department may specify other satisfactory proof of domicile or
5 residence.

6 (8) Not earlier than January 1, 2011 or later than January 15,
7 2011, an individual registered under this act who is not
8 incarcerated shall report in person to a secretary of state office
9 and have his or her digitized photograph taken. An individual
10 registered under this act who is incarcerated on January 15, 2010
11 shall report under this subsection not less than 10 days after he
12 or she is released. The individual is not required to report under
13 this subsection if he or she had a digitized photograph taken for
14 an operator's or chauffeur's license or official state personal
15 identification card before January 1, 2011, or within 2 years
16 before he or she is released. The photograph shall be used on the
17 individual's operator's or chauffeur's license or official state
18 personal identification card. The individual shall have a new
19 photograph taken when he or she renews the license or
20 identification card as provided by law. The secretary of state
21 shall make the digitized photograph available to the department for
22 a registration under this act.

23 (9) If an individual does not report under subsection (3) or
24 (4) or section 4a, the department shall notify the local law
25 enforcement agency, sheriff's department, or department post. An
26 appearance ticket may be issued for the individual's failure to
27 report as provided in sections 9a to 9g of chapter IV of the code

1 of criminal procedure, 1927 PA 175, MCL 764.9a to 764.9g.

2 (10) The department shall prescribe the form for the notices
3 and verification procedures required under this section.

4 Sec. 5b. (1) Of the money collected by a court, local law
5 enforcement agency, sheriff's department, or department post from
6 each registration fee prescribed under this act, \$25.00 shall be
7 forwarded to the department, which shall deposit the money in the
8 child abuse offenders registration fund created under subsection
9 (2), and \$10.00 shall be retained by the court, local law
10 enforcement agency, sheriff's department, or department post.

11 (2) The child abuse offenders registration fund is created as
12 a separate fund in the department of treasury. The state treasurer
13 shall credit the money received from the payment of the
14 registration fee prescribed under this act to the child abuse
15 offenders registration fund. Money credited to the fund shall only
16 be used by the department for training concerning, and the
17 maintenance and automation of, the databases, compilation, and
18 information required under section 8. Money in the child abuse
19 offenders registration fund at the close of the fiscal year shall
20 remain in the fund and shall not lapse to the general fund.

21 (3) If an individual required to pay a registration fee under
22 this act is indigent, the registration fee shall be temporarily
23 waived. The burden is on the individual claiming indigence to prove
24 the fact of indigence to the satisfaction of the local law
25 enforcement agency, sheriff's department, or department post where
26 the individual is reporting.

27 (4) Payment of the registration fee prescribed under this act

1 shall be made in the form and by means prescribed by the
2 department. Upon payment of the registration fee prescribed under
3 this act, the officer or employee shall forward verification of the
4 payment to the department by the law enforcement information
5 network in the manner the department prescribes. The department
6 shall revise the databases maintained under section 8 as necessary
7 and shall indicate verification of payment in the compilation under
8 section 8(2).

9 Sec. 5c. The department of corrections shall not collect any
10 fee prescribed under this act.

11 Sec. 6. (1) The officer, court, or agency registering an
12 individual or receiving or accepting a registration under section 4
13 or receiving notice under section 5(1) shall provide the individual
14 with a copy of the registration or notification at the time of
15 registration or notice.

16 (2) The officer, court, or agency registering an individual or
17 receiving or accepting a registration under section 4 or notified
18 of an address change under section 5(1) shall forward the
19 registration or notification to the department by the law
20 enforcement information network within 3 business days after
21 registration or notification.

22 Sec. 7. (1) A registration under this act shall be made on a
23 form provided by the department and shall be forwarded to the
24 department in the format the department prescribes, along with a
25 \$35.00 registration fee for each original registration, except as
26 otherwise provided in section 5b. A registration shall contain all
27 of the following:

1 (a) The individual's name, social security number, date of
2 birth, and address or expected address. An individual who is in a
3 witness protection and relocation program is only required to use
4 the name and identifying information reflecting his or her new
5 identity in a registration under this act. The registration and
6 compilation databases shall not contain any information identifying
7 the individual's prior identity or locale. The department shall
8 request each individual to provide his or her date of birth if it
9 is not included in the registration, and that individual shall
10 comply with the request within 10 days.

11 (b) A brief summary of the individual's convictions for child
12 abuse offenses regardless of when the conviction occurred,
13 including where the offense occurred and the original charge if the
14 conviction was for a lesser offense.

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

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

17 (e) The individual's fingerprints if not already on file with
18 the department. The department shall forward a copy of the
19 individual's fingerprints to the federal bureau of investigation if
20 not already on file with that bureau.

21 (f) Information that is required to be reported under section
22 4a.

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

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

1 individual being registered to provide notice of a change of
2 address under section 5, the procedures for providing that notice,
3 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 or pays the registration fee required under
8 subsection (1).

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

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

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

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

23 Sec. 8. (1) The department shall maintain a computerized
24 database of registrations and notices required under this act.

25 (2) The department shall maintain a computerized database
26 separate from that described in subsection (1) to implement section
27 10(2) and (3). Except as provided in subsection (3), the database

1 shall consist of a compilation of individuals registered under this
2 act.

3 (3) The database described in subsection (2) shall not include
4 an individual registered solely because he or she had 1 or more
5 dispositions for a child abuse offense entered under section 18 of
6 chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18,
7 in a case that was not designated as a case in which the individual
8 was to be tried in the same manner as an adult under section 2d of
9 chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2d.
10 The exclusion for juvenile dispositions does not apply to a
11 disposition for child abuse in the first degree, murder, or
12 manslaughter after the individual becomes 18 years of age.

13 (4) The compilation of individuals shall be indexed
14 numerically by zip code area. Within each zip code area, the
15 compilation shall contain all of the following information:

16 (a) The name and aliases, address, physical description, and
17 birth date of each individual registered under this act who is
18 included in the compilation and who resides in that zip code area
19 and any child abuse offense of which the individual has been
20 convicted.

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

24 (c) The photograph of each individual registered under this
25 act. The department shall obtain the photographs submitted under
26 section 5a from the secretary of state for purposes of implementing
27 this subdivision.

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

16 (6) The department shall make the compilation or information
17 from the compilation available to a department post, local law
18 enforcement agency, sheriff's department, and the public by
19 electronic, computerized, or other similar means accessible to the
20 post, agency, or sheriff's department. The electronic,
21 computerized, or other similar means shall provide for both a
22 search by name and by zip code.

23 (7) If a court determines that the public availability under
24 section 10 of any information concerning individuals registered
25 under this act, including names and aliases, addresses, physical
26 descriptions, or dates of birth, violates the constitution of the
27 United States or this state, the department shall revise the

1 compilation in subsection (2) so that it does not contain that
2 information.

3 Sec. 9. (1) Except as provided in subsections (2), (3), and
4 (4), an individual required to be registered under this act who
5 willfully violates this act is guilty of a felony punishable as
6 follows:

7 (a) If the individual has no prior convictions for a violation
8 of this act, other than a failure to comply with section 5a, by
9 imprisonment for not more than 4 years or a fine of not more than
10 \$2,000.00, or both.

11 (b) If the individual has 1 prior conviction for a violation
12 of this act, other than a failure to comply with section 5a, by
13 imprisonment for not more than 7 years or a fine of not more than
14 \$5,000.00, or both.

15 (c) If the individual has 2 or more prior convictions for
16 violations of this act, other than a failure to comply with section
17 5a, by imprisonment for not more than 10 years or a fine of not
18 more than \$10,000.00, or both.

19 (2) An individual who fails to comply with section 5a, other
20 than payment of the fee required under section 5a(6) is guilty of a
21 crime punishable as follows:

22 (a) If the individual has no prior convictions for a violation
23 of this act, the individual is guilty of a misdemeanor punishable
24 by imprisonment for not more than 93 days or a fine of not more
25 than \$1,000.00, or both.

26 (b) If the individual has 1 prior conviction for a violation
27 of this act, the individual is guilty of a misdemeanor punishable

1 by imprisonment for not more than 1 year or a fine of not more than
2 \$2,000.00, or both.

3 (c) If the individual has 2 or more prior convictions for a
4 violation of this act, the individual is guilty of a felony
5 punishable by imprisonment for not more than 4 years or a fine of
6 not more than \$2,500.00, or both.

7 (3) An individual who willfully fails to sign a registration,
8 notice, or verification as provided in section 7(4) is guilty of a
9 misdemeanor punishable by imprisonment for not more than 93 days or
10 a fine of not more than \$1,000.00, or both.

11 (4) An individual who willfully refuses or fails to pay the
12 registration fee prescribed in section 5a(6) or section 7(1) within
13 90 days of the date the individual reports under section 4a or 5a
14 is guilty of a misdemeanor punishable by imprisonment for not more
15 than 90 days.

16 (5) The court shall revoke the probation of an individual
17 placed on probation who willfully violates this act.

18 (6) The court shall revoke the youthful trainee status of an
19 individual assigned to youthful trainee status who willfully
20 violates this act.

21 (7) The parole board shall rescind the parole of an individual
22 released on parole who willfully violates this act.

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

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

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

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

2 Sec. 10. (1) Except as provided in this act, a registration or
3 report is confidential and information from that registration or
4 report shall not be open to inspection except for law enforcement
5 purposes. The registration or report and all included materials and
6 information are exempt from disclosure under section 13 of the
7 freedom of information act, 1976 PA 442, MCL 15.243.

8 (2) A department post, local law enforcement agency, or
9 sheriff's department shall make information from the compilation
10 described in section 8(2) for the zip code areas located in whole
11 or in part within the post's, agency's, or sheriff's department's
12 jurisdiction available for public inspection during regular
13 business hours. A department post, local law enforcement agency, or
14 sheriff's department is not required to make a copy of the
15 information for a member of the public.

16 (3) The department may make information from the compilation
17 described in section 8(2) available to the public through
18 electronic, computerized, or other accessible means. The department
19 shall provide for notification by electronic or computerized means
20 to any member of the public who has subscribed in a manner required
21 by the department when an individual who is the subject of the
22 compilation described in section 8(2) initially registers under
23 this act, or changes his or her registration under this act, to a
24 location that is in a zip code area designated by the subscribing
25 member of the public.

26 (4) Except as provided in this act, an individual other than
27 the registrant who knows of a registration or report under this act

1 and who divulges, uses, or publishes nonpublic information
2 concerning the registration or report in violation of this act is
3 guilty of a misdemeanor punishable by imprisonment for not more
4 than 93 days or a fine of not more than \$1,000.00, or both.

5 (5) An individual whose registration or report is revealed in
6 violation of this act has a civil cause of action against the
7 responsible party for treble damages.

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