

# SENATE BILL No. 1052

December 18, 2009, Introduced by Senator WHITMER and referred to the Committee on Judiciary.

A bill to amend 1994 PA 295, entitled  
"Sex offenders registration act,"  
by amending section 5 (MCL 28.725), as amended by 2006 PA 402.

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

1       Sec. 5. (1) An individual required to be registered under this  
2 act shall notify the local law enforcement agency or sheriff's  
3 department having jurisdiction where his or her new residence or  
4 domicile is located or the department post of the individual's new  
5 residence or domicile within 10 days after the individual changes  
6 or vacates his or her residence, domicile, or place of work or  
7 education, including any change required to be reported under  
8 section 4a. **HOWEVER, IF THE INDIVIDUAL VACATES HIS OR HER RESIDENCE**  
9 **WITHOUT HAVING SECURED AN ALTERNATIVE RESIDENCE, THE INDIVIDUAL**

1 SHALL REPORT TO THE LOCAL LAW ENFORCEMENT AGENCY OR THE COUNTY  
2 SHERIFF WITHIN 5 DAYS AFTER HE OR SHE VACATES HIS OR HER RESIDENCE  
3 AND SHALL CONTINUE TO REPORT EVERY 5 DAYS UNTIL HE OR SHE SECURES A  
4 RESIDENCE.

5 (2) If an individual who is incarcerated in a state  
6 correctional facility and is required to be registered under this  
7 act is granted parole or is due to be released upon completion of  
8 his or her maximum sentence, the department of corrections, before  
9 releasing the individual, shall provide notice of the location of  
10 the individual's proposed place of residence or domicile to the  
11 sheriff's department having jurisdiction over that location or to  
12 the appropriate state police department post.

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

19 (a) The individual is transferred to a community residential  
20 program.

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

24 (4) An individual required to be registered under this act  
25 shall notify the department on a form prescribed by the department  
26 not later than 10 days before he or she changes his or her domicile  
27 or residence to another state. The individual shall indicate the

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

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

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

17 (7) Except as provided in subsections (8) and (9), an  
18 individual shall comply with this section for 25 years after the  
19 date of initially registering or, if the individual is in a state  
20 correctional facility, for 10 years after release from the state  
21 correctional facility, whichever is longer.

22 (8) Except as provided in subsection (9), an individual shall  
23 comply with this section for life if the individual is convicted of  
24 any of the following or a substantially similar offense under a law  
25 of the United States, any state, or any country or under tribal or  
26 military law:

27 (a) A violation of section 520b of the Michigan penal code,

1 1931 PA 328, MCL 750.520b.

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

4 (c) A violation of section 349 of the Michigan penal code,  
5 1931 PA 328, MCL 750.349, if the victim is less than 18 years of  
6 age.

7 (d) A violation of section 350 of the Michigan penal code,  
8 1931 PA 328, MCL 750.350.

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

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

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

21 (9) An individual who is ordered to register as provided in  
22 section 8d shall register subject to that section.