

SUBSTITUTE FOR

SENATE BILL NO. 188

(As amended, March 24, 2011)

[A bill to amend 1994 PA 295, entitled
"Sex offenders registration act,"
by amending sections 2, 3, 4, 4a, 5, 5a, and 5b (MCL 28.722,
28.723, 28.724, 28.724a, 28.725, 28.725a, and 28.725b), section 2
as amended by 2005 PA 301, section 3 as amended by 1999 PA 85,
section 4 as amended by 2004 PA 240, section 4a as amended and
section 5b as added by 2004 PA 237, section 5 as amended by 2006 PA
402, and section 5a as amended by 2005 PA 322, and by adding section 3a.]

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (A) "AIRCRAFT" MEANS THAT TERM AS DEFINED IN SECTION 2 OF THE
3 AERONAUTICS CODE OF THE STATE OF MICHIGAN, 1945 PA 327, MCL 259.2.

4 (B) ~~(a)~~"Convicted" means 1 of the following:

Senate Bill No. 188 (S-4) as amended March 22, 2011

1 (i) Having a judgment of conviction or a probation order
2 entered in any court having jurisdiction over criminal offenses,
3 including, but not limited to, a tribal court or a military court,
4 and including a conviction subsequently set aside under 1965 PA
5 213, MCL 780.621 to 780.624.

6 (ii) Either of the following:

7 (A) Being assigned to youthful trainee status under sections
8 11 to 15 of chapter II of the code of criminal procedure, 1927 PA
9 175, MCL 762.11 to 762.15, before October 1, 2004. **THIS SUB-**
10 **SUBPARAGRAPH DOES NOT APPLY IF A PETITION WAS GRANTED UNDER SECTION**
11 **8C AT ANY TIME ALLOWING THE INDIVIDUAL TO DISCONTINUE REGISTRATION**
12 **UNDER THIS ACT, INCLUDING A REDUCED REGISTRATION PERIOD THAT**
13 **EXTENDS TO OR PAST JULY 1, 2011, REGARDLESS OF THE TIER DESIGNATION**
14 **THAT WOULD APPLY ON AND AFTER THAT DATE.**

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~~ **BEFORE** October 1, 2004 if
18 ~~the individual's status of youthful trainee is revoked and an~~
19 ~~adjudication of guilt is entered~~ **INDIVIDUAL IS CONVICTED OF ANY**
20 **OTHER FELONY ON OR AFTER [JULY 1,] 2011.**

21 (iii) Having an order of disposition entered under section 18 of
22 chapter XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18,
23 that is open to the general public under section 28 of chapter XIIIA
24 of the probate code of 1939, 1939 PA 288, MCL 712A.28, ~~—~~ **IF BOTH OF**
25 **THE FOLLOWING APPLY:**

26 (A) **THE INDIVIDUAL WAS 14 YEARS OF AGE OR OLDER AT THE TIME OF**
27 **THE OFFENSE.**

1 (B) THE ORDER OF DISPOSITION IS FOR THE COMMISSION OF AN
2 OFFENSE THAT WOULD CLASSIFY THE INDIVIDUAL AS A TIER III OFFENDER.

3 (iv) Having an order of disposition or other adjudication in a
4 juvenile matter in another state or country —IF BOTH OF THE
5 FOLLOWING APPLY:

6 (A) THE INDIVIDUAL IS 14 YEARS OF AGE OR OLDER AT THE TIME OF
7 THE OFFENSE.

8 (B) THE ORDER OF DISPOSITION OR OTHER ADJUDICATION IS FOR THE
9 COMMISSION OF AN OFFENSE THAT WOULD CLASSIFY THE INDIVIDUAL AS A
10 TIER III OFFENDER.

11 (C) "CUSTODIAL AUTHORITY" MEANS 1 OR MORE OF THE FOLLOWING
12 APPLY:

13 (i) THE ACTOR WAS A MEMBER OF THE SAME HOUSEHOLD AS THE VICTIM.

14 (ii) THE ACTOR WAS RELATED TO THE VICTIM BY BLOOD OR AFFINITY
15 TO THE FOURTH DEGREE.

16 (iii) THE ACTOR WAS IN A POSITION OF AUTHORITY OVER THE VICTIM
17 AND USED THIS AUTHORITY TO COERCE THE VICTIM TO SUBMIT.

18 (iv) THE ACTOR WAS A TEACHER, SUBSTITUTE TEACHER, OR
19 ADMINISTRATOR OF THE PUBLIC SCHOOL, NONPUBLIC SCHOOL, SCHOOL
20 DISTRICT, OR INTERMEDIATE SCHOOL DISTRICT IN WHICH THAT OTHER
21 PERSON WAS ENROLLED.

22 (v) THE ACTOR WAS AN EMPLOYEE OR A CONTRACTUAL SERVICE
23 PROVIDER OF THE PUBLIC SCHOOL, NONPUBLIC SCHOOL, SCHOOL DISTRICT,
24 OR INTERMEDIATE SCHOOL DISTRICT IN WHICH THAT OTHER PERSON WAS
25 ENROLLED, OR WAS A VOLUNTEER WHO WAS NOT A STUDENT IN ANY PUBLIC
26 SCHOOL OR NONPUBLIC SCHOOL, OR WAS AN EMPLOYEE OF THIS STATE OR OF
27 A LOCAL UNIT OF GOVERNMENT OF THIS STATE OR OF THE UNITED STATES

Senate Bill No. 188 (S-4) as amended March 22, 2011

1 ASSIGNED TO PROVIDE ANY SERVICE TO THAT PUBLIC SCHOOL, NONPUBLIC
2 SCHOOL, SCHOOL DISTRICT, OR INTERMEDIATE SCHOOL DISTRICT, AND THE
3 ACTOR USED HIS OR HER EMPLOYEE, CONTRACTUAL, OR VOLUNTEER STATUS TO
4 GAIN ACCESS TO, OR TO ESTABLISH A RELATIONSHIP WITH, THAT OTHER
5 PERSON.

6 (vi) THAT OTHER PERSON WAS UNDER THE JURISDICTION OF THE
7 DEPARTMENT OF CORRECTIONS AND THE ACTOR WAS AN EMPLOYEE OR A
8 CONTRACTUAL EMPLOYEE OF, OR A VOLUNTEER WITH, THE DEPARTMENT OF
9 CORRECTIONS WHO KNEW THAT THE OTHER PERSON WAS UNDER THE
10 JURISDICTION OF THE DEPARTMENT OF CORRECTIONS [AND USED HIS OR HER
POSITION OF AUTHORITY OVER THE VICTIM TO GAIN ACCESS TO OR TO COERCE OR
OTHERWISE ENCOURAGE THE VICTIM TO ENGAGE IN SEXUAL CONTACT].

11 (vii) THAT OTHER PERSON WAS UNDER THE JURISDICTION OF THE
12 DEPARTMENT OF CORRECTIONS AND THE ACTOR WAS AN EMPLOYEE OR A
13 CONTRACTUAL EMPLOYEE OF, OR A VOLUNTEER WITH, A PRIVATE VENDOR THAT
14 OPERATED A YOUTH CORRECTIONAL FACILITY UNDER SECTION 20G OF THE
15 CORRECTIONS CODE OF 1953, 1953 PA 232, MCL 791.220G, WHO KNEW THAT
16 THE OTHER PERSON WAS UNDER THE JURISDICTION OF THE DEPARTMENT OF
17 CORRECTIONS.

18 (viii) THAT OTHER PERSON WAS A PRISONER OR PROBATIONER UNDER THE
19 JURISDICTION OF A COUNTY FOR PURPOSES OF IMPRISONMENT OR A WORK
20 PROGRAM OR OTHER PROBATIONARY PROGRAM AND THE ACTOR WAS AN EMPLOYEE
21 OR A CONTRACTUAL EMPLOYEE OF, OR A VOLUNTEER WITH, THE COUNTY OR
22 THE DEPARTMENT OF CORRECTIONS WHO KNEW THAT THE OTHER PERSON WAS
23 UNDER THE COUNTY'S JURISDICTION [AND USED HIS OR HER POSITION OF
AUTHORITY OVER THE VICTIM TO GAIN ACCESS TO OR TO COERCE OR OTHERWISE
ENCOURAGE THE VICTIM TO ENGAGE IN SEXUAL CONTACT].

24 (ix) THE ACTOR KNEW OR HAD REASON TO KNOW THAT A COURT HAD
25 DETAINED THE VICTIM IN A FACILITY WHILE THE VICTIM WAS AWAITING A
26 TRIAL OR HEARING, OR COMMITTED THE VICTIM TO A FACILITY AS A RESULT
27 OF THE VICTIM HAVING BEEN FOUND RESPONSIBLE FOR COMMITTING AN ACT

1 THAT WOULD BE A CRIME IF COMMITTED BY AN ADULT, AND THE ACTOR WAS
2 AN EMPLOYEE OR CONTRACTUAL EMPLOYEE OF, OR A VOLUNTEER WITH, THE
3 FACILITY IN WHICH THE VICTIM WAS DETAINED OR TO WHICH THE VICTIM
4 WAS COMMITTED.

5 (D) ~~(b)~~—"Department" means the department of state police.

6 (E) "EMPLOYEE" MEANS AN INDIVIDUAL WHO IS SELF-EMPLOYED OR
7 WORKS FOR ANY OTHER ENTITY AS A FULL-TIME OR PART-TIME EMPLOYEE,
8 CONTRACTUAL PROVIDER, OR VOLUNTEER, REGARDLESS OF WHETHER HE OR SHE
9 IS FINANCIALLY COMPENSATED.

10 (F) "FELONY" MEANS THAT TERM AS DEFINED IN SECTION 1 OF
11 CHAPTER I OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 174, MCL
12 761.1.

13 (G) "IMMEDIATELY" MEANS WITHIN 3 BUSINESS DAYS.

14 (H) "INDIGENT" MEANS AN INDIVIDUAL TO WHOM 1 OR MORE OF THE
15 FOLLOWING APPLY:

16 (i) HE OR SHE HAS BEEN FOUND BY A COURT TO BE INDIGENT WITHIN
17 THE LAST 6 MONTHS.

18 (ii) HE OR SHE QUALIFIES FOR AND RECEIVES ASSISTANCE FROM THE
19 DEPARTMENT OF HUMAN SERVICES FOOD ASSISTANCE PROGRAM.

20 (iii) HE OR SHE DEMONSTRATES AN ANNUAL INCOME BELOW THE CURRENT
21 FEDERAL POVERTY GUIDELINES.

22 (I) ~~(e)~~—"Institution of higher education" means 1 or more of
23 the following:

24 (i) A public or private community college, college, or
25 university.

26 (ii) A public or private trade, vocational, or occupational
27 school.

1 (J) ~~(d)~~—"Local law enforcement agency" means the police
2 department of a municipality.

3 (K) ~~(e)~~—"Listed offense" means ~~any of the following: A TIER I,~~
4 **TIER II, OR TIER III OFFENSE.**

5 ~~(i) A violation of section 145a, 145b, or 145c of the Michigan~~
6 ~~penal code, 1931 PA 328, MCL 750.145a, 750.145b, and 750.145c.~~

7 ~~(ii) A violation of section 158 of the Michigan penal code,~~
8 ~~1931 PA 328, MCL 750.158, if a victim is an individual less than 18~~
9 ~~years of age.~~

10 ~~(iii) A violation of section 335a(2)(b) of the Michigan penal~~
11 ~~code, 1931 PA 328, MCL 750.335a, if that individual was previously~~
12 ~~convicted of violating section 335a of that act.~~

13 ~~(iv) A third or subsequent violation of any combination of the~~
14 ~~following:~~

15 ~~(A) Section 167(1)(f) of the Michigan penal code, 1931 PA 328,~~
16 ~~MCL 750.167.~~

17 ~~(B) Section 335a(2)(a) of the Michigan penal code, 1931 PA~~
18 ~~328, MCL 750.335a.~~

19 ~~(C) A local ordinance of a municipality substantially~~
20 ~~corresponding to a section described in sub-subparagraph (A) or~~
21 ~~(B).~~

22 ~~(v) Except for a juvenile disposition or adjudication, a~~
23 ~~violation of section 338, 338a, or 338b of the Michigan penal code,~~
24 ~~1931 PA 328, MCL 750.338, 750.338a, and 750.338b, if a victim is an~~
25 ~~individual less than 18 years of age.~~

26 ~~(vi) A violation of section 349 of the Michigan penal code,~~
27 ~~1931 PA 328, MCL 750.349, if a victim is an individual less than 18~~

1 ~~years of age.~~

2 ~~—— (vii) A violation of section 350 of the Michigan penal code,~~
3 ~~1931 PA 328, MCL 750.350.~~

4 ~~—— (viii) A violation of section 448 of the Michigan penal code,~~
5 ~~1931 PA 328, MCL 750.448, if a victim is an individual less than 18~~
6 ~~years of age.~~

7 ~~—— (ix) A violation of section 455 of the Michigan penal code,~~
8 ~~1931 PA 328, MCL 750.455.~~

9 ~~—— (x) A violation of section 520b, 520c, 520d, 520e, or 520g of~~
10 ~~the Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520c,~~
11 ~~750.520d, 750.520e, and 750.520g.~~

12 ~~—— (xi) Any other violation of a law of this state or a local~~
13 ~~ordinance of a municipality that by its nature constitutes a sexual~~
14 ~~offense against an individual who is less than 18 years of age.~~

15 ~~—— (xii) An offense committed by a person who was, at the time of~~
16 ~~the offense, a sexually delinquent person as defined in section 10a~~
17 ~~of the Michigan penal code, 1931 PA 328, MCL 750.10a.~~

18 ~~—— (xiii) An attempt or conspiracy to commit an offense described~~
19 ~~in subparagraphs (i) to (xii).~~

20 ~~—— (xiv) An offense substantially similar to an offense described~~
21 ~~in subparagraphs (i) to (xiii) under a law of the United States, any~~
22 ~~state, or any country or under tribal or military law.~~

23 **(I) "MINOR" MEANS A VICTIM OF A LISTED OFFENSE WHO WAS LESS**
24 **THAN 18 YEARS OF AGE AT THE TIME THE OFFENSE WAS COMMITTED.**

25 **(M) ~~(f)~~"Municipality" means a city, village, or township of**
26 **this state.**

27 **(N) "REGISTERING AUTHORITY" MEANS THE LOCAL LAW ENFORCEMENT**

1 AGENCY OR SHERIFF'S OFFICE HAVING JURISDICTION OVER THE
2 INDIVIDUAL'S RESIDENCE, PLACE OF EMPLOYMENT, OR INSTITUTION OF
3 HIGHER LEARNING, OR THE NEAREST DEPARTMENT POST DESIGNATED TO
4 RECEIVE OR ENTER SEX OFFENDER REGISTRATION INFORMATION WITHIN A
5 REGISTRATION JURISDICTION.

6 (O) "REGISTRATION JURISDICTION" MEANS EACH OF THE 50 STATES,
7 THE DISTRICT OF COLUMBIA, THE COMMONWEALTH OF PUERTO RICO, GUAM,
8 THE NORTHERN MARIANA ISLANDS, THE UNITED STATES VIRGIN ISLANDS,
9 AMERICAN SAMOA, AND THE INDIAN TRIBES WITHIN THE UNITED STATES THAT
10 ELECT TO FUNCTION AS A REGISTRATION JURISDICTION.

11 (P) ~~(g)~~ "Residence", as used in this act, for registration and
12 voting purposes means that place at which a person habitually
13 sleeps, keeps his or her personal effects, and has a regular place
14 of lodging. If a person has more than 1 residence, or if a wife has
15 a residence separate from that of the husband, that place at which
16 the person resides the greater part of the time shall be his or her
17 official residence for the purposes of this act. **IF A PERSON IS**
18 **HOMELESS OR OTHERWISE LACKS A FIXED OR TEMPORARY RESIDENCE,**
19 **RESIDENCE MEANS THE VILLAGE, CITY, OR TOWNSHIP WHERE THE PERSON**
20 **SPENDS A MAJORITY OF HIS OR HER TIME.** This section shall not be
21 construed to affect existing judicial interpretation of the term
22 residence **FOR PURPOSES OTHER THAN THE PURPOSES OF THIS ACT.**

23 (Q) ~~(h)~~ "Student" means an individual enrolled on a full- or
24 part-time basis in a public or private educational institution,
25 including, but not limited to, a secondary school, trade school,
26 professional institution, or institution of higher education.

27 (R) "TIER I OFFENDER" MEANS AN INDIVIDUAL CONVICTED OF A TIER

1 I OFFENSE WHO IS NOT A TIER II OR TIER III OFFENDER.

2 (S) "TIER I OFFENSE" MEANS 1 OR MORE OF THE FOLLOWING:

3 (i) A VIOLATION OF SECTION 145C(4) OF THE MICHIGAN PENAL CODE,
4 1931 PA 328, MCL 750.145C.

5 (ii) A VIOLATION OF SECTION 335A(2)(B) OF THE MICHIGAN PENAL
6 CODE, 1931 PA 328, MCL 750.335A, IF A VICTIM IS A MINOR.

7 (iii) A VIOLATION OF SECTION 349B OF THE MICHIGAN PENAL CODE,
8 1931 PA 328, MCL 750.349B, IF THE VICTIM IS A MINOR.

9 (iv) A VIOLATION OF SECTION 520E OR 520G(2) OF THE MICHIGAN
10 PENAL CODE, 1931 PA 328, MCL 750.520E AND 750.520G, IF THE VICTIM
11 IS 18 YEARS OR OLDER.

12 (v) A VIOLATION OF SECTION 539J OF THE MICHIGAN PENAL CODE,
13 1931 PA 328, MCL 750.539J, IF A VICTIM IS A MINOR.

14 (vi) ANY OTHER VIOLATION OF A LAW OF THIS STATE OR A LOCAL
15 ORDINANCE OF A MUNICIPALITY, OTHER THAN A TIER II OR TIER III
16 OFFENSE, THAT BY ITS NATURE CONSTITUTES A SEXUAL OFFENSE AGAINST AN
17 INDIVIDUAL WHO IS A MINOR.

18 (vii) AN OFFENSE COMMITTED BY A PERSON WHO WAS, AT THE TIME OF
19 THE OFFENSE, A SEXUALLY DELINQUENT PERSON AS DEFINED IN SECTION 10A
20 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.10A.

21 (viii) AN ATTEMPT OR CONSPIRACY TO COMMIT AN OFFENSE DESCRIBED
22 IN SUBPARAGRAPHS (i) TO (vii).

23 (ix) AN OFFENSE SUBSTANTIALLY SIMILAR TO AN OFFENSE DESCRIBED
24 IN SUBPARAGRAPHS (i) TO (viii) UNDER A LAW OF THE UNITED STATES THAT
25 IS SPECIFICALLY ENUMERATED IN 42 USC 16911, UNDER A LAW OF ANY
26 STATE OR ANY COUNTRY, OR UNDER TRIBAL OR MILITARY LAW.

27 (T) "TIER II OFFENDER" MEANS EITHER OF THE FOLLOWING:

1 (i) A TIER I OFFENDER WHO IS SUBSEQUENTLY CONVICTED OF ANOTHER
2 OFFENSE THAT IS A TIER I OFFENSE.

3 (ii) AN INDIVIDUAL CONVICTED OF A TIER II OFFENSE WHO IS NOT A
4 TIER III OFFENDER.

5 (U) "TIER II OFFENSE" MEANS 1 OR MORE OF THE FOLLOWING:

6 (i) A VIOLATION OF SECTION 145A OF THE MICHIGAN PENAL CODE,
7 1931 PA 328, MCL 750.145A.

8 (ii) A VIOLATION OF SECTION 145B OF THE MICHIGAN PENAL CODE,
9 1931 PA 328, MCL 750.145B.

10 (iii) A VIOLATION OF SECTION 145C(2) OR (3) OF THE MICHIGAN
11 PENAL CODE, 1931 PA 328, MCL 750.145C.

12 (iv) A VIOLATION OF SECTION 145D(1) (A) OF THE MICHIGAN PENAL
13 CODE, 1931 PA 328, MCL 750.145D, EXCEPT FOR A VIOLATION ARISING OUT
14 OF A VIOLATION OF SECTION 157C OF THE MICHIGAN PENAL CODE, 1931 PA
15 328, MCL 750.157C.

16 (v) A VIOLATION OF SECTION 158 OF THE MICHIGAN PENAL CODE,
17 1931 PA 328, MCL 750.158, COMMITTED AGAINST A MINOR UNLESS EITHER
18 OF THE FOLLOWING APPLIES:

19 (A) ALL OF THE FOLLOWING:

20 (I) THE VICTIM CONSENTED TO THE CONDUCT CONSTITUTING THE
21 VIOLATION.

22 (II) THE VICTIM WAS AT LEAST 13 YEARS OF AGE BUT LESS THAN 16
23 YEARS OF AGE AT THE TIME OF THE VIOLATION.

24 (III) THE INDIVIDUAL IS NOT MORE THAN 4 YEARS OLDER THAN THE
25 VICTIM.

26 (B) ALL OF THE FOLLOWING:

27 (I) THE VICTIM CONSENTED TO THE CONDUCT CONSTITUTING THE

1 VIOLATION.

2 (II) THE VICTIM WAS 16 OR 17 YEARS OF AGE AT THE TIME OF THE
3 VIOLATION.

4 (III) THE VICTIM WAS NOT UNDER THE CUSTODIAL AUTHORITY OF THE
5 INDIVIDUAL AT THE TIME OF THE VIOLATION.

6 (vi) A VIOLATION OF SECTION 338, 338A, OR 338B OF THE MICHIGAN
7 PENAL CODE, 1931 PA 328, MCL 750.338, 750.338A, AND 750.338B,
8 COMMITTED AGAINST AN INDIVIDUAL 13 YEARS OF AGE OR OLDER BUT LESS
9 THAN 18 YEARS OF AGE. THIS SUBPARAGRAPH DOES NOT APPLY IF THE COURT
10 DETERMINES THAT EITHER OF THE FOLLOWING APPLIES:

11 (A) ALL OF THE FOLLOWING:

12 (I) THE VICTIM CONSENTED TO THE CONDUCT CONSTITUTING THE
13 VIOLATION.

14 (II) THE VICTIM WAS AT LEAST 13 YEARS OF AGE BUT LESS THAN 16
15 YEARS OF AGE AT THE TIME OF THE VIOLATION.

16 (III) THE INDIVIDUAL IS NOT MORE THAN 4 YEARS OLDER THAN THE
17 VICTIM.

18 (B) ALL OF THE FOLLOWING:

19 (I) THE VICTIM CONSENTED TO THE CONDUCT CONSTITUTING THE
20 VIOLATION.

21 (II) THE VICTIM WAS 16 OR 17 YEARS OF AGE AT THE TIME OF THE
22 VIOLATION.

23 (III) THE VICTIM WAS NOT UNDER THE CUSTODIAL AUTHORITY OF THE
24 INDIVIDUAL AT THE TIME OF THE VIOLATION.

25 (vii) A VIOLATION OF SECTION 448 OF THE MICHIGAN PENAL CODE,
26 1931 PA 328, MCL 750.448, IF THE VICTIM IS A MINOR.

27 (viii) A VIOLATION OF SECTION 455 OF THE MICHIGAN PENAL CODE,

Senate Bill No. 188 (S-4) as amended March 22, 2011
1 1931 PA 328, MCL 750.455.

2 (ix) A VIOLATION OF SECTION 520C, 520E, OR 520G(2) OF THE
3 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520C, 750.520E, AND
4 750.520G, COMMITTED AGAINST AN INDIVIDUAL 13 YEARS OF AGE OR OLDER
5 BUT LESS THAN 18 YEARS OF AGE. [

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11 (x) A VIOLATION OF SECTION 520C COMMITTED AGAINST AN
12 INDIVIDUAL 18 YEARS OF AGE OR OLDER.

13 (xi) AN ATTEMPT OR CONSPIRACY TO COMMIT AN OFFENSE DESCRIBED IN
14 SUBPARAGRAPHS (i) TO (x).

15 (xii) AN OFFENSE SUBSTANTIALLY SIMILAR TO AN OFFENSE DESCRIBED
16 IN SUBPARAGRAPHS (i) TO (xi) UNDER A LAW OF THE UNITED STATES THAT IS
17 SPECIFICALLY ENUMERATED IN 42 USC 16911, UNDER A LAW OF ANY STATE
18 OR ANY COUNTRY, OR UNDER TRIBAL OR MILITARY LAW.

19 (V) "TIER III OFFENDER" MEANS EITHER OF THE FOLLOWING:

20 (i) A TIER II OFFENDER SUBSEQUENTLY CONVICTED OF A TIER I OR II
21 OFFENSE.

22 (ii) AN INDIVIDUAL CONVICTED OF A TIER III OFFENSE.

23 (W) "TIER III OFFENSE" MEANS 1 OR MORE OF THE FOLLOWING:

24 (i) A VIOLATION OF SECTION 338, 338A, OR 338B OF THE MICHIGAN
25 PENAL CODE, 1931 PA 328, MCL 750.338, 750.338A, AND 750.338B,
26 COMMITTED AGAINST AN INDIVIDUAL LESS THAN 13 YEARS OF AGE.

27 (ii) A VIOLATION OF SECTION 349 OF THE MICHIGAN PENAL CODE,

Senate Bill No. 188 (S-4) as amended March 23, 2011
as amended March 24, 2011

1 1931 PA 328, MCL 750.349, COMMITTED AGAINST A MINOR.

2 (iii) A VIOLATION OF SECTION 350 OF THE MICHIGAN PENAL CODE,
3 1931 PA 328, MCL 750.350.

4 (iv) A VIOLATION OF SECTION 520B, 520D, OR 520G(1) OF THE
5 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520B, 750.520D, AND
6 750.520G. THIS SUBPARAGRAPH DOES NOT APPLY IF THE COURT DETERMINES
7 THAT THE VICTIM CONSENTED TO THE CONDUCT CONSTITUTING THE
8 VIOLATION, THAT THE VICTIM WAS AT LEAST 13 YEARS OF AGE BUT LESS
9 THAN 16 YEARS OF AGE AT THE TIME OF THE OFFENSE, AND THAT THE
10 INDIVIDUAL IS NOT MORE THAN 4 YEARS OLDER THAN THE VICTIM.

11 (v) A VIOLATION OF SECTION 520C OR 520G(2) OF THE MICHIGAN
12 PENAL CODE, 1931 PA 328, MCL 750.520C AND 750.520G, COMMITTED
13 AGAINST AN INDIVIDUAL LESS THAN 13 YEARS OF AGE.

[(vi) A VIOLATION OF SECTION 520E <<OF THE MICHIGAN PENAL CODE,
1931 PA 328, MCL 750.520E,>> COMMITTED BY AN INDIVIDUAL
17 YEARS OF AGE OR OLDER AGAINST AN INDIVIDUAL LESS THAN 13 YEARS
OF AGE.]

14 (vii)] AN ATTEMPT OR CONSPIRACY TO COMMIT AN OFFENSE DESCRIBED IN
15 SUBPARAGRAPHS (i) TO [(vi)].

16 [(viii)] AN OFFENSE SUBSTANTIALLY SIMILAR TO AN OFFENSE DESCRIBED
17 IN SUBPARAGRAPHS (i) TO [(vii)] UNDER A LAW OF THE UNITED STATES THAT IS
18 SPECIFICALLY ENUMERATED IN 42 USC 16911, UNDER A LAW OF ANY STATE
19 OR ANY COUNTRY, OR UNDER TRIBAL OR MILITARY LAW.

20 (X) "VEHICLE" MEANS THAT TERM AS DEFINED IN SECTION 79 OF THE
21 MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.79.

22 (Y) "VESSEL" MEANS THAT TERM AS DEFINED IN SECTION 44501 OF
23 THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA
24 451, MCL 324.44501.

25 Sec. 3. (1) Subject to subsection (2), the following
26 individuals who are domiciled or temporarily reside in this state
27 ~~for 14 or more consecutive days,~~ OR who work with or without

1 compensation or are students in this state ~~for 14 or more~~
2 ~~consecutive days, or who are domiciled, reside, or work with or~~
3 ~~without compensation or are students in this state for 30 or more~~
4 ~~total days in a calendar year~~ are required to be registered under
5 this act:

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

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

20 (c) An individual convicted **ON OR BEFORE OCTOBER 1, 1995** of an
21 offense described in section 2(d) ~~(xiii) on or before October 1, 1995~~
22 **2(D) (vi) AS ADDED BY 1994 PA 295** if on October 1, 1995 he or she is
23 on probation or parole that has been transferred to this state for
24 that offense or his or her probation or parole is transferred to
25 this state after October 1, 1995 for that offense.

26 (d) An individual from another state who is required to
27 register or otherwise be identified as a sex or child offender or

1 predator under a comparable statute of that state.

2 (E) AN INDIVIDUAL WHO WAS PREVIOUSLY CONVICTED OF A LISTED
3 OFFENSE FOR WHICH HE OR SHE WAS NOT REQUIRED TO REGISTER UNDER THIS
4 ACT, BUT WHO IS CONVICTED OF ANY OTHER FELONY ON OR AFTER JULY 1,
5 2011.

6 (2) An individual convicted of an offense added on September
7 1, 1999 to the definition of listed offense is not required to be
8 registered solely because of that listed offense unless 1 of the
9 following applies:

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

12 (b) On September 1, 1999, the individual is on probation or
13 parole, committed to jail, committed to the jurisdiction of the
14 department of corrections, under the jurisdiction of the family
15 division of circuit court, or committed to the ~~family independence~~
16 ~~agency~~ **DEPARTMENT OF HUMAN SERVICES** for that offense or the
17 individual is placed on probation or parole, committed to jail,
18 committed to the jurisdiction of the department of corrections,
19 placed under the jurisdiction of the family division of circuit
20 court, or committed to the ~~family independence agency~~ **DEPARTMENT OF**
21 **HUMAN SERVICES** on or after September 1, 1999 for that offense.

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

26 (d) On September 1, 1999, in another state or country the
27 individual is on probation or parole, committed to jail, committed

Senate Bill No. 188 (S-4) as amended March 22, 2011 (1 of 2)
 1 to the jurisdiction of the department of corrections or a similar
 2 type of state agency, under the jurisdiction of a court that
 3 handles matters similar to those handled by the family division of
 4 circuit court in this state, or committed to an agency with the
 5 same authority as the ~~family independence agency~~ **DEPARTMENT OF**
 6 **HUMAN SERVICES** for that offense.

7 (3) A NONRESIDENT WHO IS CONVICTED IN THIS STATE ON OR AFTER
 8 JULY 1, 2011 OF COMMITTING A LISTED OFFENSE WHO IS NOT OTHERWISE
 9 DESCRIBED IN SUBSECTION (1) SHALL NEVERTHELESS REGISTER UNDER THIS
 10 ACT. HOWEVER, THE CONTINUED REPORTING REQUIREMENTS OF THIS ACT DO
 11 NOT APPLY TO THE INDIVIDUAL WHILE HE OR SHE REMAINS A NONRESIDENT
 12 AND IS NOT OTHERWISE REQUIRED TO REPORT UNDER THIS ACT. THE
 13 INDIVIDUAL SHALL HAVE HIS OR HER PHOTOGRAPH TAKEN UNDER SECTION 5A.

[SEC. 3A. (1) IF AN INDIVIDUAL PLEADS GUILTY TO OR IS FOUND GUILTY
 OF A LISTED OFFENSE OR IS ADJUDICATED AS A JUVENILE AS BEING RESPONSIBLE
 FOR A LISTED OFFENSE BUT ALLEGES THAT HE OR SHE IS NOT REQUIRED TO
 REGISTER UNDER THIS ACT BECAUSE SECTION 2(U) (v) OR (vi) APPLIES OR SECTION
 2(W) (iv) APPLIES, AND THE PROSECUTING ATTORNEY DISPUTES THAT ALLEGATION,
 THE COURT SHALL CONDUCT A HEARING ON THE MATTER BEFORE SENTENCING OR
 DISPOSITION TO DETERMINE WHETHER THE INDIVIDUAL IS REQUIRED TO REGISTER
 UNDER THIS ACT.

(2) THE INDIVIDUAL HAS THE BURDEN OF PROVING BY A PREPONDERANCE OF
 THE EVIDENCE IN A HEARING UNDER THIS SECTION THAT HIS OR HER CONDUCT
 FALLS WITHIN THE EXCEPTIONS DESCRIBED IN SUBSECTION (1) AND THAT HE OR
 SHE IS THEREFORE NOT REQUIRED TO REGISTER UNDER THIS ACT.

(3) THE RULES OF EVIDENCE, EXCEPT FOR THOSE PERTAINING TO
 PRIVILEGES AND PROTECTIONS SET FORTH IN SECTION 520J OF THE MICHIGAN
 PENAL CODE, 1931 PA 328, MCL 750.520J, DO NOT APPLY TO A HEARING UNDER
 THIS SECTION.

(4) THE PROSECUTING ATTORNEY SHALL GIVE THE VICTIM NOTICE OF THE
 DATE, TIME, AND PLACE OF THE HEARING.

(5) THE VICTIM OF THE OFFENSE HAS THE FOLLOWING RIGHTS IN A HEARING
 UNDER THIS SECTION:

(A) TO SUBMIT A WRITTEN STATEMENT TO THE COURT.

(B) TO ATTEND THE HEARING AND TO MAKE A WRITTEN OR ORAL STATEMENT
 TO THE COURT.

(C) TO REFUSE TO ATTEND THE HEARING.

(D) TO ATTEND THE HEARING BUT REFUSE TO TESTIFY OR MAKE A STATEMENT
 AT THE HEARING.

(6) THE COURT'S DECISION EXCUSING OR REQUIRING THE INDIVIDUAL TO
 REGISTER IS A FINAL ORDER OF THE COURT AND MAY BE APPEALED BY THE

Senate Bill No. 188 (S-4) as amended March 22, 2011 (2 of 2)
PROSECUTING ATTORNEY OR THE INDIVIDUAL AS A MATTER OF RIGHT.

(7) THIS SECTION APPLIES TO CRIMINAL AND JUVENILE CASES PENDING ON
JULY 1, 2011 AND TO CRIMINAL AND JUVENILE CASES BROUGHT ON AND AFTER THAT
DATE.]

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

16 (2) For an individual convicted of a listed offense on or
17 before October 1, 1995 who on or before October 1, 1995 is
18 sentenced for that offense, has a disposition entered for that
19 offense, or is assigned to youthful trainee status for that
20 offense, the following shall register the individual by December
21 31, 1995:

22 (a) If the individual is on probation for the listed offense,
23 the individual's probation ~~officer~~ AGENT.

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

26 (c) If the individual is under the jurisdiction of the
27 department of corrections for the listed offense, the department of

1 corrections.

2 (d) If the individual is on parole for the listed offense, the
3 individual's parole ~~officer~~**AGENT**.

4 (e) If the individual is within the jurisdiction of the
5 juvenile division of the probate court or the department of social
6 services under an order of disposition for the listed offense, the
7 juvenile division of the probate court or the department of social
8 services.

9 (3) Except as provided in subsection (4), for an individual
10 convicted of a listed offense on or before October 1, 1995:

11 (a) If the individual is sentenced for that offense after
12 October 1, 1995 or assigned to youthful trainee status after
13 October 1, 1995, the probation ~~officer~~**AGENT** shall register the
14 individual before sentencing or assignment.

15 (b) If the individual's probation or parole is transferred to
16 this state after October 1, 1995, the probation or parole ~~officer~~
17 **AGENT** shall register the individual ~~within 14 days~~**IMMEDIATELY**
18 after the transfer.

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

26 (4) For an individual convicted on or before September 1, 1999
27 of an offense that was added on September 1, 1999 to the definition

1 of listed offense, the following shall register the individual:

2 (a) If the individual is on probation or parole on September
3 1, 1999 for the listed offense, the individual's probation or
4 parole ~~officer~~**AGENT** not later than September 12, 1999.

5 (b) If the individual is committed to jail on September 1,
6 1999 for the listed offense, the sheriff or his or her designee not
7 later than September 12, 1999.

8 (c) If the individual is under the jurisdiction of the
9 department of corrections on September 1, 1999 for the listed
10 offense, the department of corrections not later than November 30,
11 1999.

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

18 (e) If the individual is sentenced or assigned to youthful
19 trainee status for that offense after September 1, 1999, the
20 probation ~~officer~~**AGENT** shall register the individual before
21 sentencing or assignment.

22 (f) If the individual's probation or parole for the listed
23 offense is transferred to this state after September 1, 1999, the
24 probation or parole ~~officer~~**AGENT** shall register the individual
25 within 14 days after the transfer.

26 (g) If the individual is placed within the jurisdiction of the
27 family division of circuit court or committed to the family

1 independence agency for the listed offense after September 1, 1999,
2 the family division of circuit court shall register the individual
3 before the order of disposition is entered.

4 (5) Subject to section 3, an individual convicted of a listed
5 offense in this state after October 1, 1995 **AND AN INDIVIDUAL WHO**
6 **WAS PREVIOUSLY CONVICTED OF A LISTED OFFENSE FOR WHICH HE OR SHE**
7 **WAS NOT REQUIRED TO REGISTER UNDER THIS ACT, BUT WHO IS CONVICTED**
8 **OF ANY OTHER FELONY ON OR AFTER JULY 1, 2011,** shall register before
9 sentencing, entry of the order of disposition, or assignment to
10 youthful trainee status **FOR THAT LISTED OFFENSE OR THAT OTHER**
11 **FELONY.** The probation ~~officer~~ **AGENT** or the family division of
12 circuit court shall give the individual the registration form after
13 the individual is convicted, explain the duty to register ~~and to~~
14 ~~pay a registration fee, to verify his or her address, and to~~
15 ~~provide notice of address changes,~~ and accept the completed
16 registration for processing under section 6. The court shall not
17 impose sentence, enter the order of disposition, or ~~, before~~
18 ~~October 1, 2004,~~ assign the individual to youthful trainee status,
19 until it determines that the individual's registration was
20 forwarded to the department as required under section 6.

21 (6) All of the following shall register with the local law
22 enforcement agency, sheriff's department, or the department ~~within~~
23 ~~14 days~~ **IMMEDIATELY** after becoming domiciled or temporarily
24 residing, working, or being a student in this state: ~~for the~~
25 ~~periods specified in section 3(1):~~

26 (a) Subject to section 3(1), an individual convicted in
27 another state or country **ON OR** after October 1, 1995 of a listed

Senate Bill No. 188 (S-4) as amended March 22, 2011
 1 offense as defined before September 1, 1999.

2 (b) Subject to section 3(2), an individual convicted in
 3 another state or country of an offense added on September 1, 1999
 4 to the definition of listed offenses.

5 (C) SUBJECT TO SECTION 3(1), AN INDIVIDUAL CONVICTED IN
 6 ANOTHER STATE OR COUNTRY OF A LISTED OFFENSE BEFORE OCTOBER 1, 1995
 7 AND, SUBJECT TO SECTION 3(2), AN INDIVIDUAL CONVICTED IN ANOTHER
 8 STATE OR COUNTRY OF AN OFFENSE ADDED ON SEPTEMBER 1, 1999 TO THE
 9 DEFINITION OF LISTED OFFENSES, WHO IS CONVICTED OF ANY OTHER FELONY
 10 ON OR AFTER JULY 1, 2011.

11 (D) ~~(e)~~ An individual required to be registered as a sex
 12 offender in another state or country regardless of when the
 13 conviction was entered.

14 [(7) IF A PROSECUTION OR JUVENILE PROCEEDING IS PENDING ON JULY 1,
 2011, WHETHER THE DEFENDANT IN A CRIMINAL CASE OR THE MINOR IN A JUVENILE
 PROCEEDING IS REQUIRED TO REGISTER UNDER THIS ACT SHALL BE DETERMINED ON
 THE BASIS OF THE LAW IN EFFECT ON JULY 1, 2011.]

15 Sec. 4a. (1) An individual required to be registered under
 16 this act who is not a resident of this state shall report his or
 17 her status in person to the ~~local law enforcement agency or~~
~~sheriff's department~~ **REGISTERING AUTHORITY** having jurisdiction over
 18 a campus of an institution of higher education, ~~or to the~~
 19 ~~department post nearest to that campus, if any~~ **EITHER** of the
 20 following ~~occur~~ **OCCURS**:

21 ~~— (a) Regardless of whether he or she is financially compensated~~
 22 ~~or receives any governmental or educational benefit, the individual~~
 23 ~~is or becomes a full or part-time employee, contractual provider,~~
 24 ~~or volunteer with that institution of higher education and his or~~
 25 ~~her position will require that he or she be present on that campus~~
 26 ~~for 14 or more consecutive days or 30 or more total days in a~~
 27 ~~calendar year.~~

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

5 ~~—— (c) The status described in subdivision (a) or (b) is~~
6 ~~discontinued.~~

7 ~~—— (d) The individual changes the campus on which he or she is an~~
8 ~~employee, a contractual provider, an employee of a contractual~~
9 ~~provider, or a volunteer as described in subdivision (a) or (b).~~

10 (A) ~~(e)~~ The individual is or enrolls as a student with that
11 institution of higher education or the individual discontinues that
12 enrollment.

13 (B) ~~(f)~~ As part of his or her course of studies at an
14 institution of higher education in this state, the individual is
15 present at any other location in this state, another state, a
16 territory or possession of the United States, ~~or another country~~
17 ~~for 14 or more consecutive days or 30 or more total days in a~~
18 ~~calendar year,~~ or the individual discontinues his or her studies at
19 that location.

20 (2) An individual required to be registered under this act who
21 is a resident of this state shall report his or her status in
22 person to the ~~local law enforcement agency or sheriff's department~~
23 **REGISTERING AUTHORITY** having jurisdiction where his or her new
24 residence or domicile is located ~~or the department post nearest to~~
25 ~~the individual's new residence or domicile,~~ if any of the events
26 described under subsection (1) occur.

27 (3) The report required under subsections (1) and (2) shall be

1 made as follows:

2 (a) For an individual registered under this act before October
3 1, 2002 who is required to make his or her first report under
4 subsections (1) and (2), not later than January 15, 2003.

5 ~~—— (b) For an individual who is an employee, a contractual
6 provider, an employee of a contractual provider, or a volunteer on
7 that campus on October 1, 2002, or who is a student on that campus
8 on October 1, 2002, who is subsequently required to register under
9 this act, on the date he or she is required to register under this
10 act.~~

11 ~~(B) (c) Except as provided under subdivisions (a) and (b),
12 within 10 days after the individual becomes an employee, a
13 contractual provider, an employee of a contractual provider, or a
14 volunteer on that campus, or discontinues that status, or changes
15 location, or within 10 days **IMMEDIATELY** after he or she enrolls or
16 discontinues his or her enrollment as a student on that campus
17 including study in this state or another state, a territory or
18 possession of the United States, or another country.~~

19 (4) The additional registration reports required under this
20 section shall be made in the time periods described in section
21 ~~5a(4)(a) and (b)~~ **5A(2)(A) TO (C)** for reports under that section.

22 (5) The local law enforcement agency, sheriff's department, or
23 department post to which an individual reports under this section
24 shall require the individual to pay the registration fee required
25 under section 5a or section 7(1) and to present written
26 documentation of employment status, contractual relationship,
27 volunteer status, or student status. Written documentation under

1 this subsection may include, but need not be limited to, any of the
2 following:

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

4 (b) A contract.

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

6 **(6) THIS SECTION DOES NOT APPLY TO AN INDIVIDUAL WHOSE**
7 **ENROLLMENT AND PARTICIPATION AT AN INSTITUTION OF HIGHER EDUCATION**
8 **IS SOLELY THROUGH THE MAIL OR THE INTERNET FROM A REMOTE LOCATION.**

9 Sec. 5. (1) An individual required to be registered under this
10 act **WHO IS A RESIDENT OF THIS STATE shall REPORT IN PERSON AND**
11 ~~notify the local law enforcement agency or sheriff's department~~
12 **REGISTERING AUTHORITY** having jurisdiction where his or her new
13 residence or domicile is located ~~or the department post of the~~
14 ~~individual's new residence or domicile within 10 days~~ **IMMEDIATELY**
15 ~~after the~~ **ANY OF THE FOLLOWING OCCUR:**

16 **(A) THE** individual changes or vacates his or her residence ~~7~~
17 **OR** domicile. ~~7, or place of work or education, including any change~~
18 ~~required to be reported under section 4a.~~

19 **(B) THE INDIVIDUAL CHANGES HIS OR HER PLACE OF EMPLOYMENT, OR**
20 **EMPLOYMENT IS DISCONTINUED.**

21 **(C) THE INDIVIDUAL ENROLLS AS A STUDENT WITH AN INSTITUTION OF**
22 **HIGHER EDUCATION, OR ENROLLMENT IS DISCONTINUED.**

23 **(D) THE INDIVIDUAL CHANGES HIS OR HER NAME.**

24 **(E) THE INDIVIDUAL INTENDS TO TEMPORARILY RESIDE AT ANY PLACE**
25 **OTHER THAN HIS OR HER RESIDENCE FOR MORE THAN 7 DAYS.**

26 **(F) THE INDIVIDUAL ESTABLISHES ANY ELECTRONIC MAIL OR INSTANT**
27 **MESSAGE ADDRESS, OR ANY OTHER DESIGNATIONS USED IN INTERNET**

1 COMMUNICATIONS OR POSTINGS.

2 (G) THE INDIVIDUAL PURCHASES OR BEGINS TO REGULARLY OPERATE
3 ANY VEHICLE, AND WHEN OWNERSHIP OR OPERATION OF THE VEHICLE IS
4 DISCONTINUED.

5 (H) ANY CHANGE REQUIRED TO BE REPORTED UNDER SECTION 4A.

6 (2) AN INDIVIDUAL REQUIRED TO BE REGISTERED UNDER THIS ACT WHO
7 IS NOT A RESIDENT OF THIS STATE BUT HAS HIS OR HER PLACE OF
8 EMPLOYMENT IN THIS STATE SHALL REPORT IN PERSON AND NOTIFY THE
9 REGISTERING AUTHORITY HAVING JURISDICTION WHERE HIS OR HER PLACE OF
10 EMPLOYMENT IS LOCATED OR THE DEPARTMENT POST OF THE INDIVIDUAL'S
11 PLACE OF EMPLOYMENT IMMEDIATELY AFTER THE INDIVIDUAL CHANGES HIS OR
12 HER PLACE OF EMPLOYMENT OR EMPLOYMENT IS DISCONTINUED.

13 (3) ~~(2)~~—If an individual who is incarcerated in a state
14 correctional facility and is required to be registered under this
15 act is granted parole or is due to be released upon completion of
16 his or her maximum sentence, the department of corrections, before
17 releasing the individual, shall provide notice of the location of
18 the individual's proposed place of residence or domicile to the
19 ~~sheriff's department having jurisdiction over that location or to~~
20 ~~the appropriate state police department post~~ DEPARTMENT OF STATE
21 POLICE.

22 (4) IF AN INDIVIDUAL WHO IS INCARCERATED IN A COUNTY JAIL AND
23 IS REQUIRED TO BE REGISTERED UNDER THIS ACT IS DUE TO BE RELEASED
24 FROM CUSTODY, THE SHERIFF'S DEPARTMENT, BEFORE RELEASING THE
25 INDIVIDUAL, SHALL PROVIDE NOTICE OF THE LOCATION OF THE
26 INDIVIDUAL'S PROPOSED PLACE OF RESIDENCE OR DOMICILE TO THE
27 DEPARTMENT OF STATE POLICE.

1 (5) ~~(3) Within 10 days~~ **IMMEDIATELY** after either of the
2 following occurs, the department of corrections shall notify the
3 local law enforcement agency or sheriff's department having
4 jurisdiction over the area to which the individual is transferred
5 or the department post of the transferred residence or domicile of
6 an individual required to be registered under this act:

7 (a) The individual is transferred to a community residential
8 program.

9 (b) The individual is transferred into a ~~minimum custody~~ **LEVEL**
10 1 correctional facility of any kind, including a correctional camp
11 or work camp.

12 (6) ~~(4)~~ An individual required to be registered under this act
13 **WHO IS A RESIDENT OF THIS STATE** shall **REPORT IN PERSON AND** notify
14 the ~~department on a form prescribed by the department not later~~
15 ~~than 10 days~~ **REGISTERING AUTHORITY HAVING JURISDICTION WHERE HIS OR**
16 **HER RESIDENCE OR DOMICILE IS LOCATED IMMEDIATELY** before he or she
17 changes his or her domicile or residence to another state. The
18 individual shall indicate the new state and, if known, the new
19 address. The department shall update the registration and
20 compilation databases and promptly notify the appropriate law
21 enforcement agency and any applicable sex or child offender
22 registration authority in the new state.

23 (7) **AN INDIVIDUAL REQUIRED TO BE REGISTERED UNDER THIS ACT WHO**
24 **IS A RESIDENT OF THIS STATE SHALL REPORT IN PERSON AND NOTIFY THE**
25 **REGISTERING AUTHORITY HAVING JURISDICTION WHERE HIS OR HER**
26 **RESIDENCE OR DOMICILE IS LOCATED NOT LATER THAN 21 DAYS BEFORE HE**
27 **OR SHE CHANGES HIS OR HER DOMICILE OR RESIDENCE TO ANOTHER COUNTRY**

Senate Bill No. 188 (S-4) as amended March 22, 2011

1 OR TRAVELS TO ANOTHER COUNTRY [FOR MORE THAN 7 DAYS]. THE INDIVIDUAL
SHALL STATE THE NEW

2 COUNTRY OF RESIDENCE OR COUNTRY OF TRAVEL AND THE ADDRESS OF HIS OR
3 HER NEW DOMICILE OR RESIDENCE OR PLACE OF STAY, IF KNOWN. THE
4 DEPARTMENT SHALL UPDATE THE REGISTRATION AND COMPILATION DATABASES
5 AND PROMPTLY NOTIFY THE APPROPRIATE LAW ENFORCEMENT AGENCY AND ANY
6 APPLICABLE SEX OR CHILD OFFENDER REGISTRATION AUTHORITY.

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

16 (9) ~~(6)~~—An individual registered under this act shall comply
17 with the verification procedures and proof of residence procedures
18 prescribed in sections 4a and 5a.

19 (10) ~~(7)~~—Except as **OTHERWISE** provided in ~~subsections (8) and~~
20 ~~(9), an individual~~ **THIS SECTION AND SECTION 8C, A TIER I OFFENDER**
21 shall comply with this section for ~~25–15 years. after the date of~~
22 ~~initially registering or, if the individual is in a state~~
23 ~~correctional facility, for 10 years after release from the state~~
24 ~~correctional facility, whichever is longer.~~

25 (11) ~~(8)~~—Except as **OTHERWISE** provided in ~~subsection (9), an~~
26 ~~individual~~ **THIS SECTION AND SECTION 8C, A TIER II OFFENDER** shall
27 comply with this section for **25 YEARS.** ~~life if the individual is~~

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

4 ~~—— (a) A violation of section 520b of the Michigan penal code,~~
5 ~~1931 PA 328, MCL 750.520b.~~

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

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

11 ~~—— (d) A violation of section 350 of the Michigan penal code,~~
12 ~~1931 PA 328, MCL 750.350.~~

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

15 ~~—— (f) An attempt or conspiracy to commit an offense described in~~
16 ~~subdivisions (a) to (c).~~

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

25 ~~—— (9) An individual who is ordered to register as provided in~~
26 ~~section 8d shall register subject to that section.~~

27 **(12) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION AND SECTION**

Senate Bill No. 188 (S-4) as amended March 22, 2011

1 8C, A TIER III OFFENDER SHALL COMPLY WITH THIS SECTION FOR LIFE.

2 (13) THE REGISTRATION PERIODS UNDER THIS SECTION EXCLUDE ANY
3 PERIOD OF INCARCERATION FOR COMMITTING A CRIME AND ANY PERIOD OF
4 CIVIL COMMITMENT.

5 (14) FOR AN INDIVIDUAL WHO WAS PREVIOUSLY CONVICTED OF A
6 LISTED OFFENSE FOR WHICH HE OR SHE WAS NOT REQUIRED TO REGISTER
7 UNDER THIS ACT BUT WHO IS CONVICTED OF ANY FELONY ON OR AFTER JULY
8 1, 2011, ANY PERIOD OF TIME THAT HE OR SHE WAS NOT INCARCERATED FOR
9 THAT LISTED OFFENSE OR THAT OTHER FELONY AND WAS NOT CIVILLY
10 COMMITTED [COUNTS] TOWARD SATISFYING THE REGISTRATION PERIOD FOR THAT
11 LISTED OFFENSE AS DESCRIBED IN THIS SECTION. IF THOSE PERIODS EQUAL
12 OR EXCEED THE REGISTRATION PERIOD DESCRIBED IN THIS SECTION, THE
13 INDIVIDUAL HAS SATISFIED HIS OR HER REGISTRATION PERIOD FOR THE
14 LISTED OFFENSE AND IS NOT REQUIRED TO REGISTER UNDER THIS ACT. IF
15 THOSE PERIODS ARE LESS THAN THE REGISTRATION PERIOD DESCRIBED IN
16 THIS SECTION FOR THAT LISTED OFFENSE, THE INDIVIDUAL SHALL COMPLY
17 WITH THIS SECTION FOR THE PERIOD OF TIME REMAINING.

18 Sec. 5a. (1) Not later than ~~December 1, 2004~~ JULY 1, 2011, the
19 department shall mail a notice to each individual registered under
20 this act who is not in a state correctional facility explaining the
21 individual's duties under ~~this section and this act as amended. and~~
22 ~~the procedure for registration, notification, and verification and~~
23 ~~paying the registration fee prescribed under subsection (7) or~~
24 ~~section 7(1).~~

25 (2) Upon the release of an individual registered under this
26 act who is in a state correctional facility, the department of
27 corrections shall provide written notice to that individual

1 explaining his or her duties under this section and this act as
2 amended and the procedure for registration, notification, and
3 verification and payment of the registration fee prescribed under
4 subsection ~~(7)~~-(6) or section 7(1). The individual shall sign and
5 date the notice. The department of corrections shall maintain a
6 copy of the signed and dated notice in the individual's file. The
7 department of corrections shall forward the original notice to the
8 department ~~within 30 days~~ **IMMEDIATELY**, regardless of whether the
9 individual signs it.

10 ~~—— (3) Not later than January 15, 2000, an individual 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. The individual shall present proof of~~
16 ~~domicile or residence and update any information that changed since~~
17 ~~registration, including information that is required to be reported~~
18 ~~under section 4a. An individual registered under this act who is~~
19 ~~incarcerated on January 15, 2000 shall report under this subsection~~
20 ~~not less than 10 days after he or she is released.~~

21 (3) ~~(4) Except as provided in subsection (5), following~~
22 ~~initial verification under subsection (3), or registration under~~
23 ~~this act after January 15, 2000, an **AN** individual required to be~~
24 ~~registered under this act who is not incarcerated shall report in~~
25 ~~person to the local law enforcement agency or sheriff's department~~
26 ~~having jurisdiction~~ **REGISTERING AUTHORITY** where he or she is
27 domiciled or resides ~~or to the department post in or nearest to the~~

1 ~~county where he or she is domiciled or resides~~ for verification of
2 domicile or residence as follows:

3 (a) ~~If the person is registered only for 1 or more listed~~
4 ~~offenses that are misdemeanors,~~ **A TIER I OFFENDER SHALL REPORT** not
5 earlier than January 1 or later than January 15 of each year after
6 the initial verification or registration. ~~As used in this~~
7 ~~subdivision, "misdemeanor" means that term as defined in section 1~~
8 ~~of chapter I of the code of criminal procedure, 1927 PA 175, MCL~~
9 ~~761.1.~~

10 (B) **A TIER II OFFENDER SHALL REPORT NOT EARLIER THAN THE FIRST**
11 **DAY OR LATER THAN THE FIFTEENTH DAY OF EACH JANUARY AND JULY AFTER**
12 **THE INITIAL VERIFICATION OR REGISTRATION.**

13 (C) ~~(b) If the person is registered for 1 or more listed~~
14 ~~offenses that are felonies,~~ **A TIER III OFFENDER SHALL REPORT** not
15 earlier than the first day or later than the fifteenth day of each
16 April, July, October, and January ~~following~~ **AFTER THE** initial
17 verification or registration. ~~As used in this subdivision, "felony"~~
18 ~~means that term as defined in section 1 of chapter I of the code of~~
19 ~~criminal procedure, 1927 PA 175, MCL 761.1.~~

20 (4) **WHEN AN INDIVIDUAL REPORTS UNDER SUBSECTION (3), THE**
21 **INDIVIDUAL SHALL REVIEW ALL REGISTRATION INFORMATION FOR ACCURACY.**

22 (5) ~~(6) When an individual reports under subsection (3), or~~
23 ~~(4), an officer or authorized employee of the local law enforcement~~
24 ~~agency, sheriff's department, or department post~~ **REGISTERING**
25 **AUTHORITY** shall verify the individual's residence or domicile and
26 any information required to be reported under section 4a. **THE**
27 **OFFICER OR AUTHORIZED EMPLOYEE SHALL ALSO DETERMINE WHETHER THE**

1 INDIVIDUAL'S PHOTOGRAPH REQUIRED UNDER THIS ACT MATCHES THE
2 APPEARANCE OF THE INDIVIDUAL SUFFICIENTLY TO PROPERLY IDENTIFY HIM
3 OR HER FROM THAT PHOTOGRAPH. IF NOT, THE OFFICER OR AUTHORIZED
4 EMPLOYEE SHALL REQUIRE THE INDIVIDUAL TO IMMEDIATELY OBTAIN A
5 CURRENT PHOTOGRAPH UNDER THIS SECTION. WHEN ALL OF THE VERIFICATION
6 INFORMATION HAS BEEN PROVIDED, THE OFFICER OR AUTHORIZED EMPLOYEE
7 SHALL REVIEW THAT INFORMATION WITH THE INDIVIDUAL AND MAKE ANY
8 CORRECTIONS, ADDITIONS, OR DELETIONS THE OFFICER OR AUTHORIZED
9 EMPLOYEE DETERMINES ARE NECESSARY BASED ON THE REVIEW. The officer
10 or authorized employee shall sign and date a verification ~~form~~
11 **RECEIPT**. The officer **OR AUTHORIZED EMPLOYEE** shall give a copy of
12 the signed ~~form~~**RECEIPT** showing the date of verification to the
13 individual. The officer or **AUTHORIZED** employee shall forward
14 verification information to the department ~~by the law enforcement~~
15 ~~information network~~ in the manner the department prescribes. The
16 department shall revise the ~~databases~~**LAW ENFORCEMENT DATABASE AND**
17 **PUBLIC INTERNET WEBSITE** maintained under section 8 as necessary and
18 shall indicate verification in the ~~compilation~~**PUBLIC INTERNET**
19 **WEBSITE MAINTAINED** under section 8(2).

20 (6) ~~(7)~~ Except as otherwise provided in section 5b, beginning
21 October 16, 2004, an individual who reports as prescribed under
22 subsection (3) ~~or (4)~~ and who has not already paid the fee
23 prescribed under section 7(1) shall pay a ~~\$35.00~~**\$50.00**
24 registration fee. An individual shall only be required to pay a fee
25 once under this subsection.

26 (7) ~~(8)~~ An individual required to be registered under this act
27 shall maintain either a valid operator's or chauffeur's license

1 issued under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to
2 257.923, or an official state personal identification card issued
3 under 1972 PA 222, MCL 28.291 to 28.300, with the individual's
4 current address. The license or card may be used as proof of
5 domicile or residence under this section. In addition, the officer
6 or authorized employee may require the individual to produce
7 another document bearing his or her name and address, including,
8 but not limited to, voter registration or a utility or other bill.
9 The department may specify other satisfactory proof of domicile or
10 residence.

11 ~~(8) (9) Not earlier than January 1, 2000 or later than January~~
12 ~~15, 2000, an individual registered under this act who is not~~
13 ~~incarcerated shall report in person to a secretary of state office~~
14 ~~and have his or her digitized photograph taken. An individual~~
15 ~~registered under this act who is incarcerated on January 15, 2000~~
16 ~~shall report TO THE SECRETARY OF STATE under this subsection not~~
17 ~~less than 10 days IMMEDIATELY after he or she is released TO HAVE~~
18 ~~HIS OR HER DIGITALIZED PHOTOGRAPH TAKEN.~~ The individual is not
19 required to report under this subsection if he or she had a
20 digitized photograph taken for an operator's or chauffeur's license
21 or official state personal identification card before January 1,
22 2000, or within 2 years before he or she is released **UNLESS HIS OR**
23 **HER APPEARANCE HAS CHANGED FROM THE DATE OF THAT PHOTOGRAPH.** ~~The~~
24 **UNLESS THE PERSON IS A NONRESIDENT, THE** photograph shall be used on
25 the individual's operator's or chauffeur's license or official
26 state personal identification card. The individual shall have a new
27 photograph taken when he or she renews the license or

1 identification card as provided by law, **OR AS OTHERWISE PROVIDED IN**
 2 **THIS ACT**. The secretary of state shall make the digitized
 3 photograph available to the department for a registration under
 4 this act.

5 (9) ~~(10)~~ If an individual does not report under ~~subsection (3)~~
 6 ~~or (4)~~ **THIS SECTION** or **UNDER** section 4a, the department shall
 7 notify ~~the local law enforcement agency, sheriff's department, or~~
 8 ~~department post. An appearance ticket may be issued for the~~
 9 ~~individual's failure to report as provided in sections 9a to 9g of~~
 10 ~~chapter IV of the code of criminal procedure, 1927 PA 175, MCL~~
 11 ~~764.9a to 764.9g~~ **ALL REGISTERING AUTHORITIES AS PROVIDED IN SECTION**
 12 **8A AND INITIATE ENFORCEMENT ACTION AS SET FORTH IN THAT SECTION.**

13 (10) ~~(11)~~ The department shall prescribe the form for the
 14 notices and verification procedures required under this section.

15 (11) **SUBSECTION (1) APPLIES BEGINNING ON THE EFFECTIVE DATE OF**
 16 **THE AMENDATORY ACT THAT ADDED THIS SUBSECTION. SUBSECTIONS (2)**
 17 **THROUGH (10) APPLY BEGINNING JULY 1, 2011.**

18 Sec. 5b. (1) Of the money collected by a court, local law
 19 enforcement agency, sheriff's department, or department post from
 20 each registration fee prescribed under this act, ~~\$25.00~~ **\$30.00**
 21 shall be forwarded to the department, which shall deposit the money
 22 in the sex offenders registration fund created under subsection
 23 (2), and ~~\$10.00~~ **\$20.00** shall be retained by the court, local law
 24 enforcement agency, sheriff's department, or department post.

25 (2) The sex offenders registration fund is created as a
 26 separate fund in the department of treasury. The state treasurer
 27 shall credit the money received from the payment of the

Senate Bill No. 188 (S-4) as amended March 22, 2011

1 registration fee prescribed under this act to the sex offenders
 2 registration fund. Money credited to the fund shall only be used by
 3 the department for training concerning, and the maintenance and
 4 automation of, the ~~databases~~ **LAW ENFORCEMENT DATABASE**, ~~compilation~~
 5 **PUBLIC INTERNET WEBSITE**, ~~and~~ information required under section 8, **[OR]**
 6 **NOTIFICATION AND OFFENDER REGISTRATION DUTIES UNDER SECTION 4A**.
 7 Money in the sex offenders registration fund at the close of the
 8 fiscal year shall remain in the fund and shall not lapse to the
 9 general fund.

10 (3) If an individual required to pay a registration fee under
 11 this act is indigent, the registration fee shall be ~~temporarily~~
 12 waived **FOR A PERIOD OF 90 DAYS**. The burden is on the individual
 13 claiming indigence to prove the fact of indigence to the
 14 satisfaction of the local law enforcement agency, sheriff's
 15 department, or department post where the individual is reporting.

16 (4) Payment of the registration fee prescribed under this act
 17 shall be made in the form and by means prescribed by the
 18 department. Upon payment of the registration fee prescribed under
 19 this act, the officer or employee shall forward verification of the
 20 payment to the department ~~by the law enforcement information~~
 21 ~~network~~ in the manner the department prescribes. The department
 22 shall revise the ~~databases~~ **LAW ENFORCEMENT DATABASE AND PUBLIC**
 23 **INTERNET WEBSITE** maintained under section 8 as necessary and shall
 24 indicate verification of payment in the ~~compilation~~ **LAW ENFORCEMENT**
 25 **DATABASE** under section ~~8(2)~~ **8(1)**.

26 Enacting section 1. Section 5a of the sex offenders
 27 registration act, 1994 PA 295, MCL 28.725a, as amended by this

1 amendatory act, takes immediate affect.

2 Enacting section 2. Sections 2, 3, 4, 4a, 5, and 5b of the sex
3 offenders registration act, 1994 PA 295, MCL 28.722, 28.723,
4 28.724, 28.724a, 28.725, and 28.725b, as amended by this amendatory
5 act, take effect July 1, 2011.

6 Enacting section 3. This amendatory act does not take effect
7 unless Senate Bill No. 189 of the 96th Legislature is enacted into
8 law.