

# SENATE BILL No. 188

February 22, 2011, Introduced by Senators JONES, PAVLOV, PAPPAGEORGE, NOFS and PROOS and referred to the Committee on Judiciary.

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.

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

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

7 (ii) Either of the following:

8 (A) Being assigned to youthful trainee status under sections  
9 11 to 15 of chapter II of the code of criminal procedure, 1927 PA  
10 175, MCL 762.11 to 762.15, before October 1, 2004, **UNLESS A**  
11 **PETITION WAS GRANTED UNDER SECTION 8C ALLOWING THE INDIVIDUAL TO**  
12 **DISCONTINUE REGISTRATION UNDER THIS ACT.**

13 (B) Being assigned to youthful trainee status under sections  
14 11 to 15 of chapter II of the code of criminal procedure, 1927 PA  
15 175, MCL 762.11 to 762.15, ~~on or after~~ **BEFORE** October 1, 2004 if  
16 ~~the individual's status of youthful trainee is revoked and an~~  
17 ~~adjudication of guilt is entered~~ **INDIVIDUAL IS CONVICTED OF ANY**  
18 **OTHER FELONY ON OR AFTER 2011.**

19 (iii) Having an order of disposition entered under section 18 of  
20 chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18,  
21 that is open to the general public under section 28 of chapter XIIA  
22 of the probate code of 1939, 1939 PA 288, MCL 712A.28, ~~—~~ **IF EITHER**  
23 **THE FOLLOWING APPLIES:**

24 (A) **BOTH OF THE FOLLOWING:**

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

27 (II) **THE ORDER OF DISPOSITION IS FOR THE COMMISSION OF AN**

1 OFFENSE THAT WOULD CLASSIFY THE INDIVIDUAL AS A TIER III OFFENDER.

2 (B) BOTH OF THE FOLLOWING:

3 (I) THE ORDER OF DISPOSITION IS FOR AN OFFENSE THAT WOULD  
4 CLASSIFY THE INDIVIDUAL, OTHER THAN AN INDIVIDUAL DESCRIBED IN SUB-  
5 SUBPARAGRAPH (A) (I), AS A TIER I, TIER II, OR TIER III OFFENDER.

6 (II) THE INDIVIDUAL IS ORDERED BY THE COURT UNDER SECTION 3A  
7 TO REGISTER UNDER THIS ACT.

8 (iv) Having an order of disposition or other adjudication in a  
9 juvenile matter in another state or country —IF EITHER OF THE  
10 FOLLOWING APPLIES:

11 (A) BOTH OF THE FOLLOWING:

12 (I) THE INDIVIDUAL IS 14 YEARS OF AGE OR OLDER AT THE TIME OF  
13 THE OFFENSE.

14 (II) THE ORDER OF DISPOSITION OR OTHER ADJUDICATION IS FOR THE  
15 COMMISSION OF AN OFFENSE THAT WOULD CLASSIFY THE INDIVIDUAL AS A  
16 TIER III OFFENDER.

17 (B) BOTH OF THE FOLLOWING:

18 (I) THE ORDER OF DISPOSITION OR OTHER ADJUDICATION IS FOR AN  
19 OFFENSE THAT WOULD CLASSIFY THE INDIVIDUAL, OTHER THAN AN  
20 INDIVIDUAL DESCRIBED IN SUB-SUBPARAGRAPH (A) (I), AS A TIER I, TIER  
21 II, OR TIER III OFFENDER.

22 (II) THE INDIVIDUAL IS ORDERED BY THE COURT IN THAT OTHER  
23 STATE OR COUNTRY TO REGISTER AS A SEX OFFENDER.

24 (C) ~~(b)~~—"Department" means the department of state police.

25 (D) "EMPLOYEE" MEANS AN INDIVIDUAL WHO IS SELF-EMPLOYED OR  
26 WORKS FOR ANY OTHER ENTITY AS A FULL-TIME OR PART-TIME EMPLOYEE,  
27 CONTRACTUAL PROVIDER, OR VOLUNTEER, REGARDLESS OF WHETHER HE OR SHE

1 IS FINANCIALLY COMPENSATED.

2 (E) "FELONY" MEANS THAT TERM AS DEFINED IN SECTION 1 OF  
3 CHAPTER I OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 174, MCL  
4 761.1.

5 (F) "IMMEDIATELY" MEANS WITHIN 3 BUSINESS DAYS.

6 (G) "INDIGENT" MEANS AN INDIVIDUAL TO WHOM 1 OR MORE OF THE  
7 FOLLOWING APPLY:

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

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

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

14 (H) ~~(e)~~ "Institution of higher education" means 1 or more of  
15 the following:

16 (i) A public or private community college, college, or  
17 university.

18 (ii) A public or private trade, vocational, or occupational  
19 school.

20 (I) ~~(d)~~ "Local law enforcement agency" means the police  
21 department of a municipality.

22 (J) ~~(e)~~ "Listed offense" means ~~any of the following: A TIER I,~~  
23 **TIER II, OR TIER III OFFENSE.**

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

26 ~~—— (ii) A violation of section 158 of the Michigan penal code,~~  
27 ~~1931 PA 328, MCL 750.158, if a victim is an individual less than 18~~

1 ~~years of age.~~

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

5 ~~—— (iv) A third or subsequent violation of any combination of the~~  
6 ~~following:~~

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

9 ~~—— (B) Section 335a(2)(a) of the Michigan penal code, 1931 PA~~  
10 ~~328, MCL 750.335a.~~

11 ~~—— (C) A local ordinance of a municipality substantially~~  
12 ~~corresponding to a section described in sub-subparagraph (A) or~~  
13 ~~(B).~~

14 ~~—— (v) Except for a juvenile disposition or adjudication, a~~  
15 ~~violation of section 338, 338a, or 338b of the Michigan penal code,~~  
16 ~~1931 PA 328, MCL 750.338, 750.338a, and 750.338b, if a victim is an~~  
17 ~~individual less than 18 years of age.~~

18 ~~—— (vi) A violation of section 349 of the Michigan penal code,~~  
19 ~~1931 PA 328, MCL 750.349, if a victim is an individual less than 18~~  
20 ~~years of age.~~

21 ~~—— (vii) A violation of section 350 of the Michigan penal code,~~  
22 ~~1931 PA 328, MCL 750.350.~~

23 ~~—— (viii) A violation of section 448 of the Michigan penal code,~~  
24 ~~1931 PA 328, MCL 750.448, if a victim is an individual less than 18~~  
25 ~~years of age.~~

26 ~~—— (ix) A violation of section 455 of the Michigan penal code,~~  
27 ~~1931 PA 328, MCL 750.455.~~

1 ~~—— (x) A violation of section 520b, 520c, 520d, 520e, or 520g of~~  
 2 ~~the Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520c,~~  
 3 ~~750.520d, 750.520e, and 750.520g.~~

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

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

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

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

15 **(K) "MINOR" MEANS A VICTIM OF A LISTED OFFENSE WHO WAS LESS**  
 16 **THAN 18 YEARS OF AGE AT THE TIME THE OFFENSE WAS COMMITTED.**

17 **(I) ~~(f)~~—"Municipality" means a city, village, or township of**  
 18 **this state.**

19 **(M) "REGISTERING AUTHORITY" MEANS THE LOCAL LAW ENFORCEMENT**  
 20 **AGENCY OR SHERIFF'S OFFICE HAVING JURISDICTION OVER THE**  
 21 **INDIVIDUAL'S RESIDENCE, PLACE OF EMPLOYMENT, OR INSTITUTION OF**  
 22 **HIGHER LEARNING, OR THE NEAREST DEPARTMENT POST DESIGNATED TO**  
 23 **RECEIVE OR ENTER SEX OFFENDER REGISTRATION INFORMATION WITHIN A**  
 24 **REGISTRATION JURISDICTION.**

25 **(N) "REGISTRATION JURISDICTION" MEANS EACH OF THE 50 STATES,**  
 26 **THE DISTRICT OF COLUMBIA, THE COMMONWEALTH OF PUERTO RICO, GUAM,**  
 27 **THE NORTHERN MARIANA ISLANDS, THE UNITED STATES VIRGIN ISLANDS,**

1 AMERICAN SAMOA, AND THE INDIAN TRIBES WITHIN THE UNITED STATES THAT  
2 ELECT TO FUNCTION AS A REGISTRATION JURISDICTION.

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

15 (P) ~~(h)~~—"Student" means an individual enrolled on a full- or  
16 part-time basis in a public or private educational institution,  
17 including, but not limited to, a secondary school, trade school,  
18 professional institution, or institution of higher education.

19 (Q) **"TIER I OFFENDER" MEANS AN INDIVIDUAL CONVICTED OF A TIER**  
20 **I OFFENSE WHO IS NOT A TIER II OR TIER III OFFENDER.**

21 (R) **"TIER I OFFENSE" MEANS 1 OR MORE OF THE FOLLOWING:**

22 (i) **A VIOLATION OF SECTION 145C(4) OF THE MICHIGAN PENAL CODE,**  
23 **1931 PA 328, MCL 750.145C.**

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

26 (iii) **A VIOLATION OF SECTION 349B OF THE MICHIGAN PENAL CODE,**  
27 **1931 PA 328, MCL 750.349B, IF THE VICTIM IS A MINOR.**

1           (iv) A VIOLATION OF SECTION 520C, 520E, OR 520G(2) OF THE  
2 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520C, 750.520E, AND  
3 750.520G, IF THE VICTIM IS 18 YEARS OR OLDER.

4           (v) A VIOLATION OF SECTION 539J OF THE MICHIGAN PENAL CODE,  
5 1931 PA 328, MCL 750.539J, IF A VICTIM IS A MINOR.

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

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

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

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

19           (S) "TIER II OFFENDER" MEANS EITHER OF THE FOLLOWING:

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

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

24           (T) "TIER II OFFENSE" MEANS 1 OR MORE OF THE FOLLOWING:

25           (i) A VIOLATION OF SECTION 145A OF THE MICHIGAN PENAL CODE,  
26 1931 PA 328, MCL 750.145A.

27           (ii) A VIOLATION OF SECTION 145B OF THE MICHIGAN PENAL CODE,

1 1931 PA 328, MCL 750.145B.

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

4 (iv) A VIOLATION OF SECTION 145D(1)(A) OF THE MICHIGAN PENAL  
5 CODE, 1931 PA 328, MCL 750.145D, BASED ON A VIOLATION OF SECTION  
6 157C OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.157C.

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

12 (A) ALL OF THE FOLLOWING:

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

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

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

19 (B) ALL OF THE FOLLOWING:

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

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

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

26 (vi) A VIOLATION OF SECTION 448 OF THE MICHIGAN PENAL CODE,  
27 1931 PA 328, MCL 750.448, IF THE VICTIM IS A MINOR.

1           (vii) A VIOLATION OF SECTION 455 OF THE MICHIGAN PENAL CODE,  
2 1931 PA 328, MCL 750.455.

3           (viii) A VIOLATION OF SECTION 520C, 520E, OR 520G(2) OF THE  
4 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520C, 750.520E, AND  
5 750.520G, COMMITTED AGAINST AN INDIVIDUAL 13 YEARS OF AGE OR OLDER  
6 BUT LESS THAN 18 YEARS OF AGE. THIS SUBPARAGRAPH DOES NOT APPLY IF  
7 THE COURT DETERMINES THAT THE VICTIM CONSENTED TO THE CONDUCT  
8 CONSTITUTING THE VIOLATION, THAT THE VICTIM WAS AT LEAST 13 YEARS  
9 OF AGE BUT LESS THAN 16 YEARS OF AGE AT THE TIME OF THE OFFENSE,  
10 AND THAT THE INDIVIDUAL IS NOT MORE THAN 4 YEARS OLDER THAN THE  
11 VICTIM.

12           (ix) AN ATTEMPT OR CONSPIRACY TO COMMIT AN OFFENSE DESCRIBED IN  
13 SUBPARAGRAPHS (i) TO (viii) .

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

18           (U) "TIER III OFFENDER" MEANS EITHER OF THE FOLLOWING:

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

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

22           (V) "TIER III OFFENSE" MEANS 1 OR MORE OF THE FOLLOWING:

23           (i) A VIOLATION OF SECTION 158 OF THE MICHIGAN PENAL CODE, 1931  
24 PA 328, MCL 750.158, COMMITTED AGAINST A MINOR UNLESS EITHER OF THE  
25 FOLLOWING APPLIES:

26           (A) ALL OF THE FOLLOWING:

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

1 VIOLATION.

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

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

6 (B) ALL OF THE FOLLOWING:

7 (I) THE VICTIM CONSENTED TO THE CONDUCT CONSTITUTING THE  
8 VIOLATION.

9 (II) THE VICTIM WAS 17 YEARS OF AGE OR OLDER AT THE TIME OF  
10 THE VIOLATION.

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

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

16 (iii) A VIOLATION OF SECTION 349 OF THE MICHIGAN PENAL CODE,  
17 1931 PA 328, MCL 750.349, COMMITTED AGAINST A MINOR.

18 (iv) A VIOLATION OF SECTION 350 OF THE MICHIGAN PENAL CODE,  
19 1931 PA 328, MCL 750.350.

20 (v) A VIOLATION OF SECTION 520B, 520D, OR 520G(1) OF THE  
21 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.520B, 750.520D, AND  
22 750.520G. THIS SUBPARAGRAPH DOES NOT APPLY IF THE COURT DETERMINES  
23 THAT THE VICTIM CONSENTED TO THE CONDUCT CONSTITUTING THE  
24 VIOLATION, THAT THE VICTIM WAS AT LEAST 13 YEARS OF AGE BUT LESS  
25 THAN 16 YEARS OF AGE AT THE TIME OF THE OFFENSE, AND THAT THE  
26 INDIVIDUAL IS NOT MORE THAN 4 YEARS OLDER THAN THE VICTIM.

27 (vi) A VIOLATION OF SECTION 520C OR 520G(2) OF THE MICHIGAN

1 PENAL CODE, 1931 PA 328, MCL 750.520C AND 750.520G, COMMITTED  
2 AGAINST AN INDIVIDUAL LESS THAN 13 YEARS OF AGE.

3 (vii) AN ATTEMPT OR CONSPIRACY TO COMMIT AN OFFENSE DESCRIBED  
4 IN SUBPARAGRAPHS (i) TO (vi).

5 (viii) AN OFFENSE SUBSTANTIALLY SIMILAR TO AN OFFENSE DESCRIBED  
6 IN SUBPARAGRAPHS (i) TO (vii) UNDER A LAW OF THE UNITED STATES THAT  
7 IS SPECIFICALLY ENUMERATED IN 42 USC 16911, UNDER A LAW OF ANY  
8 STATE OR ANY COUNTRY, OR UNDER TRIBAL OR MILITARY LAW.

9 (W) "VEHICLE" MEANS THAT TERM AS DEFINED IN SECTION 79 OF THE  
10 MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.79.

11 (X) "VESSEL" MEANS THAT TERM AS DEFINED IN SECTION 44501 OF  
12 THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA  
13 451, MCL 324.44501.

14 Sec. 3. (1) Subject to subsection (2), the following  
15 individuals who are domiciled or temporarily reside in this state  
16 ~~for 14 or more consecutive days, OR~~ who work with or without  
17 compensation or are students in this state ~~for 14 or more~~  
18 ~~consecutive days, or who are domiciled, reside, or work with or~~  
19 ~~without compensation or are students in this state for 30 or more~~  
20 ~~total days in a calendar year~~ are required to be registered under  
21 this act:

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

24 (b) An individual convicted of a listed offense on or before  
25 October 1, 1995 if on October 1, 1995 he or she is on probation or  
26 parole, committed to jail, committed to the jurisdiction of the  
27 department of corrections, or under the jurisdiction of the

1 juvenile division of the probate court or the department of ~~social~~  
2 **HUMAN** services for that offense or is placed on probation or  
3 parole, committed to jail, committed to the jurisdiction of the  
4 department of corrections, placed under the jurisdiction of the  
5 juvenile division of the probate court or family division of  
6 circuit court, or committed to the department of ~~social services or~~  
7 ~~family independence agency~~ **HUMAN SERVICES** after October 1, 1995 for  
8 that offense.

9 (c) An individual convicted of an offense described in section  
10 ~~2(d) (xiii)~~ **2 (J) (xiv)** on or before October 1, 1995 if on October 1,  
11 1995 he or she is on probation or parole that has been transferred  
12 to this state for that offense or his or her probation or parole is  
13 transferred to this state after October 1, 1995 for that offense.

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

17 **(E) AN INDIVIDUAL WHO WAS PREVIOUSLY CONVICTED OF A LISTED**  
18 **OFFENSE FOR WHICH HE OR SHE WAS NOT REQUIRED TO REGISTER UNDER THIS**  
19 **ACT, BUT WHO IS CONVICTED OF ANY OTHER FELONY ON OR AFTER JULY 1,**  
20 **2011.**

21 (2) An individual convicted of an offense added on September  
22 1, 1999 to the definition of listed offense is not required to be  
23 registered solely because of that listed offense unless 1 of the  
24 following applies:

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

27 (b) On September 1, 1999, the individual is on probation or

1 parole, committed to jail, committed to the jurisdiction of the  
2 department of corrections, under the jurisdiction of the family  
3 division of circuit court, or committed to the ~~family independence~~  
4 ~~agency~~ **DEPARTMENT OF HUMAN SERVICES** for that offense or the  
5 individual is placed on probation or parole, committed to jail,  
6 committed to the jurisdiction of the department of corrections,  
7 placed under the jurisdiction of the family division of circuit  
8 court, or committed to the ~~family independence agency~~ **DEPARTMENT OF**  
9 **HUMAN SERVICES** on or after September 1, 1999 for that offense.

10 (c) On September 1, 1999, the individual is on probation or  
11 parole for that offense which has been transferred to this state or  
12 the individual's probation or parole for that offense is  
13 transferred to this state after September 1, 1999.

14 (d) On September 1, 1999, in another state or country the  
15 individual is on probation or parole, committed to jail, committed  
16 to the jurisdiction of the department of corrections or a similar  
17 type of state agency, under the jurisdiction of a court that  
18 handles matters similar to those handled by the family division of  
19 circuit court in this state, or committed to an agency with the  
20 same authority as the ~~family independence agency~~ **DEPARTMENT OF**  
21 **HUMAN SERVICES** for that offense.

22 (3) A NONRESIDENT WHO IS CONVICTED IN THIS STATE ON OR AFTER  
23 JULY 1, 2011 OF COMMITTING A LISTED OFFENSE WHO IS NOT OTHERWISE  
24 DESCRIBED IN SUBSECTION (1) SHALL NEVERTHELESS REGISTER UNDER THIS  
25 ACT. HOWEVER, THE CONTINUED REPORTING REQUIREMENTS OF THIS ACT DO  
26 NOT APPLY TO THE INDIVIDUAL WHILE HE OR SHE REMAINS A NONRESIDENT  
27 AND IS NOT OTHERWISE REQUIRED TO REPORT UNDER THIS ACT.

1           SEC. 3A. NOTWITHSTANDING ANYTHING ELSE TO THE CONTRARY IN THIS  
2 ACT, THE COURT MAY ORDER ANY INDIVIDUAL LESS THAN 17 YEARS OF AGE  
3 WHO IS CONVICTED OF A TIER I, TIER II, OR TIER III OFFENSE TO  
4 REGISTER UNDER THIS ACT IF THE COURT DETERMINES THAT THE INDIVIDUAL  
5 MAY BE A CONTINUING THREAT TO THE PUBLIC. IN MAKING THE  
6 DETERMINATION, THE COURT SHALL CONSIDER ALL OF THE FOLLOWING  
7 FACTORS AND PLACE ITS FINDINGS ON THE RECORD:

8           (A) THE INDIVIDUAL'S AGE AND LEVEL OF MATURITY AT THE TIME OF  
9 THE OFFENSE.

10           (B) THE VICTIM'S AGE AND LEVEL OF MATURITY AT THE TIME OF THE  
11 OFFENSE.

12           (C) THE NATURE OF THE OFFENSE.

13           (D) THE SEVERITY OF THE OFFENSE.

14           (E) THE INDIVIDUAL'S PRIOR JUVENILE OR CRIMINAL HISTORY.

15           (F) THE INDIVIDUAL'S LIKELIHOOD TO COMMIT FURTHER LISTED  
16 OFFENSES.

17           (G) ANY IMPACT STATEMENT SUBMITTED BY THE VICTIM UNDER THE  
18 WILLIAM VAN REGENMORTER CRIME VICTIM'S RIGHTS ACT, 1985 PA 87, MCL  
19 780.751 TO 780.834, OR UNDER THIS SECTION.

20           (H) ANY OTHER INFORMATION CONSIDERED RELEVANT BY THE COURT.

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

23           (2) For an individual convicted of a listed offense on or  
24 before October 1, 1995 who on or before October 1, 1995 is  
25 sentenced for that offense, has a disposition entered for that  
26 offense, or is assigned to youthful trainee status for that  
27 offense, the following shall register the individual by December

1 31, 1995:

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

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

6 (c) If the individual is under the jurisdiction of the  
7 department of corrections for the listed offense, the department of  
8 corrections.

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

11 (e) If the individual is within the jurisdiction of the  
12 juvenile division of the probate court or the department of social  
13 services under an order of disposition for the listed offense, the  
14 juvenile division of the probate court or the department of social  
15 services.

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

18 (a) If the individual is sentenced for that offense after  
19 October 1, 1995 or assigned to youthful trainee status after  
20 October 1, 1995, the probation officer shall register the  
21 individual before sentencing or assignment.

22 (b) If the individual's probation or parole is transferred to  
23 this state after October 1, 1995, the probation or parole officer  
24 shall register the individual within ~~14~~3 days after the transfer.

25 (c) If the individual is placed within the jurisdiction of the  
26 juvenile division of the probate court or family division of  
27 circuit court or committed to the department of social services or

1 family independence agency under an order of disposition entered  
2 after October 1, 1995, the juvenile division of the probate court  
3 or family division of circuit court shall register the individual  
4 before the order of disposition is entered.

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

8 (a) If the individual is on probation or parole on September  
9 1, 1999 for the listed offense, the individual's probation or  
10 parole officer not later than September 12, 1999.

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

14 (c) If the individual is under the jurisdiction of the  
15 department of corrections on September 1, 1999 for the listed  
16 offense, the department of corrections not later than November 30,  
17 1999.

18 (d) If the individual is within the jurisdiction of the family  
19 division of circuit court or committed to the family independence  
20 agency or county juvenile agency on September 1, 1999 under an  
21 order of disposition for the listed offense, the family division of  
22 circuit court, the family independence agency, or the county  
23 juvenile agency not later than November 30, 1999.

24 (e) If the individual is sentenced or assigned to youthful  
25 trainee status for that offense after September 1, 1999, the  
26 probation officer shall register the individual before sentencing  
27 or assignment.

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

5 (g) If the individual is placed within the jurisdiction of the  
6 family division of circuit court or committed to the family  
7 independence agency for the listed offense after September 1, 1999,  
8 the family division of circuit court shall register the individual  
9 before the order of disposition is entered.

10 (5) FOR AN INDIVIDUAL WHO WAS PREVIOUSLY CONVICTED OF A LISTED  
11 OFFENSE FOR WHICH HE OR SHE WAS NOT REQUIRED TO REGISTER UNDER THIS  
12 ACT, BUT WHO IS CONVICTED OF ANY OTHER FELONY ON OR AFTER JULY 1,  
13 2011, THE FOLLOWING SHALL REGISTER THE INDIVIDUAL FOR THAT LISTED  
14 OFFENSE BY OCTOBER 1, 2011:

15 (A) IF THE INDIVIDUAL IS ON PROBATION OR PAROLE ON JULY 1,  
16 2011 FOR THAT OTHER FELONY, THE INDIVIDUAL'S PROBATION OR PAROLE  
17 OFFICER.

18 (B) IF THE INDIVIDUAL IS COMMITTED TO JAIL ON JULY 1, 2011 FOR  
19 THAT OTHER FELONY, THE SHERIFF OR HIS OR HER DESIGNEE.

20 (C) IF THE INDIVIDUAL IS UNDER THE JURISDICTION OF THE  
21 DEPARTMENT OF CORRECTIONS ON JULY 1, 2011 FOR THAT OTHER FELONY,  
22 THE DEPARTMENT OF CORRECTIONS.

23 (D) IF THE INDIVIDUAL IS WITHIN THE JURISDICTION OF THE FAMILY  
24 DIVISION OF CIRCUIT COURT OR COMMITTED TO THE FAMILY INDEPENDENCE  
25 AGENCY OR COUNTY JUVENILE AGENCY ON JULY 1, 2011 UNDER AN ORDER OF  
26 DISPOSITION FOR THAT OTHER FELONY, THE FAMILY DIVISION OF CIRCUIT  
27 COURT, THE FAMILY INDEPENDENCE AGENCY, OR THE COUNTY JUVENILE

1 AGENCY.

2 (E) IF THE INDIVIDUAL IS SENTENCED OR ASSIGNED TO YOUTHFUL  
3 TRAINEE STATUS FOR THAT OTHER FELONY AFTER JULY 1, 2011, THE  
4 PROBATION OFFICER SHALL REGISTER THE INDIVIDUAL BEFORE SENTENCING  
5 OR ASSIGNMENT.

6 (F) IF THE INDIVIDUAL'S PROBATION OR PAROLE FOR THAT OTHER  
7 FELONY IS TRANSFERRED TO THIS STATE AFTER JULY 1, 2011, THE  
8 PROBATION OR PAROLE OFFICER SHALL REGISTER THE INDIVIDUAL WITHIN 3  
9 DAYS AFTER THE TRANSFER.

10 (G) IF THE INDIVIDUAL IS PLACED WITHIN THE JURISDICTION OF THE  
11 FAMILY DIVISION OF CIRCUIT COURT OR COMMITTED TO THE FAMILY  
12 INDEPENDENCE AGENCY FOR THAT OTHER FELONY AFTER JULY 1, 2011, THE  
13 FAMILY DIVISION OF CIRCUIT COURT SHALL REGISTER THE INDIVIDUAL  
14 BEFORE THE ORDER OF DISPOSITION IS ENTERED.

15 (6) ~~(5)~~—Subject to section 3, an individual convicted of a  
16 listed offense in this state after October 1, 1995 AND AN  
17 INDIVIDUAL WHO WAS PREVIOUSLY CONVICTED OF A LISTED OFFENSE FOR  
18 WHICH HE OR SHE WAS NOT REQUIRED TO REGISTER UNDER THIS ACT, BUT  
19 WHO IS CONVICTED OF ANY OTHER FELONY ON OR AFTER JULY 1, 2011,  
20 shall register before sentencing, entry of the order of  
21 disposition, or assignment to youthful trainee status **FOR THAT**  
22 **LISTED OFFENSE OR THAT OTHER FELONY**. The probation officer or the  
23 family division of circuit court shall give the individual the  
24 registration form after the individual is convicted, explain the  
25 duty to register and ~~to pay a registration fee, to verify his or~~  
26 ~~her address, and to provide notice of address changes,~~ and accept  
27 the completed registration for processing under section 6. The

1 court shall not impose sentence, enter the order of disposition, or  
2 ~~, before October 1, 2004,~~ assign the individual to youthful trainee  
3 status, until it determines that the individual's registration was  
4 forwarded to the department as required under section 6.

5 (7) ~~(6)~~ All of the following shall register with the local law  
6 enforcement agency, sheriff's department, or the department ~~within~~  
7 ~~14 days~~ **IMMEDIATELY** after becoming domiciled or temporarily  
8 residing, working, or being a student in this state: ~~for the~~  
9 ~~periods specified in section 3(1):~~

10 (a) Subject to section 3(1), an individual convicted in  
11 another state or country **ON OR** after October 1, 1995 of a listed  
12 offense as defined before September 1, 1999.

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

16 **(C) SUBJECT TO SECTION 3(1), AN INDIVIDUAL CONVICTED IN**  
17 **ANOTHER STATE OR COUNTRY OF A LISTED OFFENSE BEFORE OCTOBER 1, 1995**  
18 **AND, SUBJECT TO SECTION 3(2), AN INDIVIDUAL CONVICTED IN ANOTHER**  
19 **STATE OR COUNTRY OF AN OFFENSE ADDED ON SEPTEMBER 1, 1999 TO THE**  
20 **DEFINITION OF LISTED OFFENSES, WHO IS CONVICTED OF ANY OTHER FELONY**  
21 **ON OR AFTER JULY 1, 2011.**

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

25 Sec. 4a. (1) An individual required to be registered under  
26 this act who is not a resident of this state shall report his or  
27 her status in person to the ~~local law enforcement agency or~~

1 ~~sheriff's department~~ **REGISTERING AUTHORITY** having jurisdiction over  
 2 a campus of an institution of higher education, or, ~~to the~~  
 3 ~~department post nearest to that campus~~ **IF THE INDIVIDUAL IS ON**  
 4 **PROBATION OR PAROLE SUPERVISION, TO THE INDIVIDUAL'S PROBATION OR**  
 5 **PAROLE AGENT**, if any ~~EITHER~~ of the following ~~occur~~ **OCCURS**:

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

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

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

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

22 **(A)** ~~(e)~~ The individual is or enrolls as a student with that  
 23 institution of higher education or the individual discontinues that  
 24 enrollment.

25 **(B)** ~~(f)~~ As part of his or her course of studies at an  
 26 institution of higher education in this state, the individual is  
 27 present at any other location in this state, another state, a

1 territory or possession of the United States, ~~or another country~~  
2 ~~for 14 or more consecutive days or 30 or more total days in a~~  
3 ~~calendar year,~~ or the individual discontinues his or her studies at  
4 that location.

5 (2) An individual required to be registered under this act who  
6 is a resident of this state shall report his or her status in  
7 person to the ~~local law enforcement agency or sheriff's department~~  
8 **REGISTERING AUTHORITY** having jurisdiction where his or her new  
9 residence or domicile is located or, ~~the department post nearest to~~  
10 ~~the individual's new residence or domicile~~ **IF THE INDIVIDUAL IS ON**  
11 **PROBATION OR PAROLE SUPERVISION, TO THE INDIVIDUAL'S PROBATION OR**  
12 **PAROLE AGENT**, if any of the events described under subsection (1)  
13 occur.

14 (3) The report required under subsections (1) and (2) shall be  
15 made as follows:

16 (a) For an individual registered under this act before October  
17 1, 2002 who is required to make his or her first report under  
18 subsections (1) and (2), not later than January 15, 2003.

19 ~~(b) For an individual who is an employee, a contractual~~  
20 ~~provider, an employee of a contractual provider, or a volunteer on~~  
21 ~~that campus on October 1, 2002, or who is a student on that campus~~  
22 ~~on October 1, 2002, who is subsequently required to register under~~  
23 ~~this act, on the date he or she is required to register under this~~  
24 ~~act.~~

25 **(B)** ~~(c) Except as provided under subdivisions (a) and (b),~~  
26 ~~within 10 days after the individual becomes an employee, a~~  
27 ~~contractual provider, an employee of a contractual provider, or a~~

1 ~~volunteer on that campus, or discontinues that status, or changes~~  
 2 ~~location, or within 10 days~~ **IMMEDIATELY** after he or she enrolls or  
 3 discontinues his or her enrollment as a student on that campus  
 4 including study in this state or another state, a territory or  
 5 possession of the United States, or another country.

6 (4) The additional registration reports required under this  
 7 section shall be made in the time periods described in section  
 8 ~~5a(4)(a) and (b)~~ **5A(2)(A) TO (C)** for reports under that section.

9 (5) The local law enforcement agency, sheriff's department, or  
 10 department post to which an individual reports under this section  
 11 shall require the individual to pay the registration fee required  
 12 under section 5a or section 7(1) and to present written  
 13 documentation of employment status, contractual relationship,  
 14 volunteer status, or student status. Written documentation under  
 15 this subsection may include, but need not be limited to, any of the  
 16 following:

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

18 (b) A contract.

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

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

23 Sec. 5. (1) An individual required to be registered under this  
 24 act **WHO IS A RESIDENT OF THIS STATE** shall **REPORT IN PERSON AND**  
 25 ~~notify the local law enforcement agency or sheriff's department~~  
 26 **REGISTERING AUTHORITY** having jurisdiction where his or her ~~new~~  
 27 residence or domicile is located ~~or the department post of the~~

1 ~~individual's new residence or domicile within 10 days~~ OR, IF THE  
2 INDIVIDUAL IS ON PROBATION OR PAROLE SUPERVISION, TO THE  
3 INDIVIDUAL'S PROBATION OR PAROLE AGENT IMMEDIATELY ~~after the~~ ANY OF  
4 THE FOLLOWING OCCUR:

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

8 (B) THE INDIVIDUAL CHANGES HIS OR HER PLACE OF EMPLOYMENT, OR  
9 EMPLOYMENT IS DISCONTINUED.

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

12 (D) THE INDIVIDUAL CHANGES HIS OR HER NAME.

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

15 (F) THE INDIVIDUAL ESTABLISHES ANY ELECTRONIC MAIL OR INSTANT  
16 MESSAGE ADDRESS, OR ANY OTHER DESIGNATIONS USED IN INTERNET  
17 COMMUNICATIONS OR POSTINGS.

18 (G) THE INDIVIDUAL PURCHASES OR BEGINS TO REGULARLY OPERATE  
19 ANY VEHICLE, AND WHEN OWNERSHIP OR OPERATION OF THE VEHICLE IS  
20 DISCONTINUED.

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

22 (2) AN INDIVIDUAL REQUIRED TO BE REGISTERED UNDER THIS ACT WHO  
23 IS NOT A RESIDENT OF THIS STATE BUT HAS HIS OR HER PLACE OF  
24 EMPLOYMENT IN THIS STATE SHALL REPORT IN PERSON AND NOTIFY THE  
25 REGISTERING AUTHORITY HAVING JURISDICTION WHERE HIS OR HER PLACE OF  
26 EMPLOYMENT IS LOCATED OR THE DEPARTMENT POST OF THE INDIVIDUAL'S  
27 PLACE OF EMPLOYMENT IMMEDIATELY AFTER THE INDIVIDUAL CHANGES HIS OR

1 HER PLACE OF EMPLOYMENT OR EMPLOYMENT IS DISCONTINUED.

2 (3) ~~(2)~~—If an individual who is incarcerated in a state  
3 correctional facility and is required to be registered under this  
4 act is granted parole or is due to be released upon completion of  
5 his or her maximum sentence, the department of corrections, before  
6 releasing the individual, shall provide notice of the location of  
7 the individual's proposed place of residence or domicile to the  
8 ~~sheriff's department having jurisdiction over that location or to~~  
9 ~~the appropriate state police department post~~ DEPARTMENT.

10 (4) IF AN INDIVIDUAL WHO IS INCARCERATED IN A COUNTY JAIL AND  
11 IS REQUIRED TO BE REGISTERED UNDER THIS ACT IS DUE TO BE RELEASED  
12 FROM CUSTODY, THE SHERIFF'S DEPARTMENT, BEFORE RELEASING THE  
13 INDIVIDUAL, SHALL PROVIDE NOTICE OF THE LOCATION OF THE  
14 INDIVIDUAL'S PROPOSED PLACE OF RESIDENCE OR DOMICILE TO THE  
15 DEPARTMENT.

16 (5) ~~(3)~~ Within 10 days IMMEDIATELY after either of the  
17 following occurs, the department of corrections shall notify the  
18 local law enforcement agency or sheriff's department having  
19 jurisdiction over the area to which the individual is transferred  
20 or the department post of the transferred residence or domicile of  
21 an individual required to be registered under this act:

22 (a) The individual is transferred to a community residential  
23 program.

24 (b) The individual is transferred into a ~~minimum custody~~ LEVEL  
25 1 correctional facility of any kind, including a correctional camp  
26 or work camp.

27 (6) ~~(4)~~—An individual required to be registered under this act

1 WHO IS A RESIDENT OF THIS STATE shall REPORT IN PERSON AND notify  
2 the ~~department on a form prescribed by the department not later~~  
3 ~~than 10 days~~ REGISTERING AUTHORITY HAVING JURISDICTION WHERE HIS OR  
4 HER RESIDENCE OR DOMICILE IS LOCATED OR, IF THE INDIVIDUAL IS ON  
5 PROBATION OR PAROLE SUPERVISION, TO THE INDIVIDUAL'S PROBATION OR  
6 PAROLE AGENT IMMEDIATELY before he or she changes his or her  
7 domicile or residence to another state. The individual shall  
8 indicate the new state and, if known, the new address. The  
9 department shall update the registration and compilation databases  
10 and promptly notify the appropriate law enforcement agency and any  
11 applicable sex or child offender registration authority in the new  
12 state.

13 (7) AN INDIVIDUAL REQUIRED TO BE REGISTERED UNDER THIS ACT WHO  
14 IS A RESIDENT OF THIS STATE SHALL REPORT IN PERSON AND NOTIFY THE  
15 REGISTERING AUTHORITY HAVING JURISDICTION WHERE HIS OR HER  
16 RESIDENCE OR DOMICILE IS LOCATED OR, IF THE INDIVIDUAL IS ON  
17 PROBATION OR PAROLE SUPERVISION, TO THE INDIVIDUAL'S PROBATION OR  
18 PAROLE AGENT NOT LATER THAN 21 DAYS BEFORE HE OR SHE CHANGES HIS OR  
19 HER DOMICILE OR RESIDENCE TO ANOTHER COUNTRY. THE INDIVIDUAL SHALL  
20 STATE THE NEW COUNTRY AND, IF KNOWN, THE NEW ADDRESS. THE  
21 DEPARTMENT SHALL UPDATE THE REGISTRATION AND COMPILATION DATABASES  
22 AND PROMPTLY NOTIFY THE APPROPRIATE LAW ENFORCEMENT AGENCY AND ANY  
23 APPLICABLE SEX OR CHILD OFFENDER REGISTRATION AUTHORITY.

24 (8) ~~(5)~~—If the probation or parole of an individual required  
25 to be registered under this act is transferred to another state or  
26 an individual required to be registered under this act is  
27 transferred from a state correctional facility to any correctional

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

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

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

15 (11) ~~(8)~~—Except as **OTHERWISE** provided in ~~subsection (9), an~~  
 16 ~~individual~~ **THIS SECTION AND SECTION 8C, A TIER II OFFENDER** shall  
 17 comply with this section for **25 YEARS.** ~~life if the individual is~~  
 18 ~~convicted of any of the following or a substantially similar~~  
 19 ~~offense under a law of the United States, any state, or any country~~  
 20 ~~or under tribal or military law.~~

21 ——— (a) ~~A violation of section 520b of the Michigan penal code,~~  
 22 ~~1931 PA 328, MCL 750.520b.~~

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

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

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

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

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

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

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

17 (12) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION AND SECTION  
18 8C, A TIER III OFFENDER SHALL COMPLY WITH THIS SECTION FOR LIFE.

19 (13) THE REGISTRATION PERIODS UNDER THIS SECTION EXCLUDE ANY  
20 PERIOD OF INCARCERATION FOR COMMITTING A CRIME AND ANY PERIOD OF  
21 CIVIL COMMITMENT.

22 (14) FOR AN INDIVIDUAL WHO WAS PREVIOUSLY CONVICTED OF A  
23 LISTED OFFENSE FOR WHICH HE OR SHE WAS NOT REQUIRED TO REGISTER  
24 UNDER THIS ACT BUT WHO IS CONVICTED OF ANY FELONY ON OR AFTER JULY  
25 1, 2011, ANY PERIOD OF TIME THAT HE OR SHE WAS NOT INCARCERATED FOR  
26 THAT LISTED OFFENSE OR THAT OTHER FELONY AND WAS NOT CIVILLY  
27 COMMITTED COUNT TOWARD SATISFYING THE REGISTRATION PERIOD FOR THAT

1 LISTED OFFENSE AS DESCRIBED IN THIS SECTION. IF THOSE PERIODS EQUAL  
2 OR EXCEED THE REGISTRATION PERIOD DESCRIBED IN THIS SECTION, THE  
3 INDIVIDUAL HAS SATISFIED HIS OR HER REGISTRATION PERIOD FOR THE  
4 LISTED OFFENSE AND IS NOT REQUIRED TO REGISTER UNDER THIS ACT. IF  
5 THOSE PERIODS ARE LESS THAN THE REGISTRATION PERIOD DESCRIBED IN  
6 THIS SECTION FOR THAT LISTED OFFENSE, THE INDIVIDUAL SHALL COMPLY  
7 WITH THIS SECTION FOR THE PERIOD OF TIME REMAINING.

8       Sec. 5a. (1) Not later than ~~December 1, 2004~~ **JULY 1, 2011**, the  
9 department shall mail a notice to each individual registered under  
10 this act who is not in a state correctional facility explaining the  
11 individual's duties under ~~this section and this act as amended. and~~  
12 ~~the procedure for registration, notification, and verification and~~  
13 ~~paying the registration fee prescribed under subsection (7) or~~  
14 ~~section 7(1).~~

15       (2) Upon the release of an individual registered under this  
16 act who is in a state correctional facility, the department of  
17 corrections shall provide written notice to that individual  
18 explaining his or her duties under this section and this act as  
19 amended and the procedure for registration, notification, and  
20 verification and payment of the registration fee prescribed under  
21 subsection ~~(7)~~ **(6)** or section 7(1). The individual shall sign and  
22 date the notice. The department of corrections shall maintain a  
23 copy of the signed and dated notice in the individual's file. The  
24 department of corrections shall forward the original notice to the  
25 department ~~within 30 days~~ **IMMEDIATELY**, regardless of whether the  
26 individual signs it.

27 ~~—— (3) Not later than January 15, 2000, an individual registered~~

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

11 (3) ~~(4) Except as provided in subsection (5), following~~  
12 ~~initial verification under subsection (3), or registration under~~  
13 ~~this act after January 15, 2000, an AN individual required to be~~  
14 ~~registered under this act who is not incarcerated shall report in~~  
15 ~~person to the local law enforcement agency or sheriff's department~~  
16 ~~having jurisdiction REGISTERING AUTHORITY where he or she is~~  
17 ~~domiciled or resides or, to the department post in or nearest to~~  
18 ~~the county where he or she is domiciled or resides IF THE PERSON IS~~  
19 **ON PROBATION OR PAROLE SUPERVISION, TO THE INDIVIDUAL'S PROBATION**  
20 **OR PAROLE AGENT** for verification of domicile or residence as  
21 follows:

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

1 ~~761.1.~~

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

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

12 (4) WHEN AN INDIVIDUAL REPORTS UNDER SUBSECTION (2), THE  
13 INDIVIDUAL SHALL REVIEW ALL REGISTRATION INFORMATION FOR ACCURACY.

14 (5) ~~(6) When an individual reports under subsection (3), or~~  
15 ~~(4), an officer or authorized employee of the local law enforcement~~  
16 ~~agency, sheriff's department, or department post~~ THE REGISTERING  
17 AUTHORITY, OR, IF THE INDIVIDUAL IS ON PROBATION OR PAROLE, THE  
18 INDIVIDUAL'S PROBATION OR PAROLE AGENT, shall verify the  
19 individual's residence or domicile and any information required to  
20 be reported under section 4a. THE OFFICER OR AUTHORIZED AUTHORITY  
21 SHALL ALSO DETERMINE WHETHER THE INDIVIDUAL'S PHOTOGRAPH REQUIRED  
22 UNDER THIS ACT MATCHES THE APPEARANCE OF THE INDIVIDUAL  
23 SUFFICIENTLY TO PROPERLY IDENTIFY HIM OR HER FROM THAT PHOTOGRAPH.  
24 IF NOT, THE OFFICER OR AUTHORIZED AUTHORITY SHALL REQUIRE THE  
25 INDIVIDUAL TO IMMEDIATELY OBTAIN A CURRENT PHOTOGRAPH UNDER THIS  
26 SECTION. WHEN ALL OF THE VERIFICATION INFORMATION HAS BEEN  
27 PROVIDED, THE OFFICER OR AUTHORIZED AUTHORITY SHALL REVIEW THAT

1 INFORMATION WITH THE INDIVIDUAL AND MAKE ANY CORRECTIONS,  
2 ADDITIONS, OR DELETIONS THE OFFICER OR AUTHORIZED AUTHORITY  
3 DETERMINES ARE NECESSARY BASED ON THE REVIEW. The officer or  
4 authorized employee shall sign and date a verification ~~form~~  
5 RECEIPT. The officer shall give a copy of the signed ~~form~~ RECEIPT  
6 showing the date of verification to the individual. The officer or  
7 employee shall forward verification information to the department  
8 ~~by the law enforcement information network~~ in the manner the  
9 department prescribes. The department shall revise the ~~databases~~  
10 LAW ENFORCEMENT DATABASE AND PUBLIC INTERNET WEBSITE maintained  
11 under section 8 as necessary and shall indicate verification in the  
12 ~~compilation~~ PUBLIC INTERNET WEBSITE MAINTAINED under section 8(2).

13 (6) ~~(7)~~ Except as otherwise provided in section 5b, beginning  
14 October 16, 2004, an individual who reports as prescribed under  
15 subsection (3) ~~or (4)~~ and who has not already paid the fee  
16 prescribed under section 7(1) shall pay a \$35.00 registration fee.  
17 An individual shall only be required to pay a fee once under this  
18 subsection.

19 (7) ~~(8)~~ An individual required to be registered under this act  
20 shall maintain either a valid operator's or chauffeur's license  
21 issued under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to  
22 257.923, or an official state personal identification card issued  
23 under 1972 PA 222, MCL 28.291 to 28.300, with the individual's  
24 current address. The license or card may be used as proof of  
25 domicile or residence under this section. In addition, the officer  
26 or authorized employee may require the individual to produce  
27 another document bearing his or her name and address, including,

1 but not limited to, voter registration or a utility or other bill.  
2 The department may specify other satisfactory proof of domicile or  
3 residence.

4       (8) ~~(9) Not earlier than January 1, 2000 or later than January~~  
5 ~~15, 2000, an individual registered under this act who is not~~  
6 ~~incarcerated shall report in person to a secretary of state office~~  
7 ~~and have his or her digitized photograph taken. An individual~~  
8 registered under this act who is incarcerated on January 15, 2000  
9 shall report **TO THE SECRETARY OF STATE** under this subsection ~~not~~  
10 ~~less than 10 days~~ **IMMEDIATELY** after he or she is released **TO HAVE**  
11 **HIS OR HER DIGITALIZED PHOTOGRAPH TAKEN.** The individual is not  
12 required to report under this subsection if he or she had a  
13 digitized photograph taken for an operator's or chauffeur's license  
14 or official state personal identification card before January 1,  
15 2000, or within 2 years before he or she is released **UNLESS HIS OR**  
16 **HER APPEARANCE HAS CHANGED FROM THE DATE OF THAT PHOTOGRAPH.** The  
17 photograph shall be used on the individual's operator's or  
18 chauffeur's license or official state personal identification card.  
19 The individual shall have a new photograph taken when he or she  
20 renews the license or identification card as provided by law. The  
21 secretary of state shall make the digitized photograph available to  
22 the department for a registration under this act.

23       (9) ~~(10) If an individual does not report under subsection (3)~~  
24 ~~or (4) THIS SECTION or UNDER section 4a, the department shall~~  
25 ~~notify the local law enforcement agency, sheriff's department, or~~  
26 ~~department post. An appearance ticket may be issued for the~~  
27 ~~individual's failure to report as provided in sections 9a to 9g of~~

1 ~~chapter IV of the code of criminal procedure, 1927 PA 175, MCL~~  
2 ~~764.9a to 764.9g~~ **ALL REGISTERING AUTHORITIES AS PROVIDED IN SECTION**  
3 **8A AND INITIATE ENFORCEMENT ACTION AS SET FORTH IN THAT SECTION.**

4 (10) ~~(11)~~ The department shall prescribe the form for the  
5 notices and verification procedures required under this section.

6 Sec. 5b. (1) Of the money collected by a court, local law  
7 enforcement agency, sheriff's department, or department post from  
8 each registration fee prescribed under this act, \$25.00 shall be  
9 forwarded to the department, which shall deposit the money in the  
10 sex offenders registration fund created under subsection (2), and  
11 \$10.00 shall be retained by the court, local law enforcement  
12 agency, sheriff's department, or department post.

13 (2) The sex offenders registration fund is created as a  
14 separate fund in the department of treasury. The state treasurer  
15 shall credit the money received from the payment of the  
16 registration fee prescribed under this act to the sex offenders  
17 registration fund. Money credited to the fund shall only be used by  
18 the department for training concerning, and the maintenance and  
19 automation of, the ~~databases~~ **LAW ENFORCEMENT DATABASE, compilation**  
20 **PUBLIC INTERNET WEBSITE**, and information required under section 8,  
21 **NOTIFICATION AND OFFENDER REGISTRATION DUTIES UNDER SECTION 4A, AND**  
22 **COMMUNITY EDUCATION**. Money in the sex offenders registration fund  
23 at the close of the fiscal year shall remain in the fund and shall  
24 not lapse to the general fund.

25 (3) If an individual required to pay a registration fee under  
26 this act is indigent, the registration fee shall be ~~temporarily~~  
27 waived **FOR A PERIOD OF 90 DAYS**. The burden is on the individual

1 claiming indigence to prove the fact of indigence to the  
2 satisfaction of the local law enforcement agency, sheriff's  
3 department, or department post where the individual is reporting.

4 (4) Payment of the registration fee prescribed under this act  
5 shall be made in the form and by means prescribed by the  
6 department. Upon payment of the registration fee prescribed under  
7 this act, the officer or employee shall forward verification of the  
8 payment to the department ~~by the law enforcement information~~  
9 ~~network~~ in the manner the department prescribes. The department  
10 shall revise the ~~databases~~ **LAW ENFORCEMENT DATABASE AND PUBLIC**  
11 **INTERNET WEBSITE** maintained under section 8 as necessary and shall  
12 indicate verification of payment in the ~~compilation~~ **LAW ENFORCEMENT**  
13 **DATABASE** under section ~~8(2)~~ **8(1)**.

14 Enacting section 1. This amendatory act takes effect July 1,  
15 2011.

16 Enacting section 2. This amendatory act does not take effect  
17 unless Senate Bill No. 189

18 of the 96th Legislature is enacted into law.