

**SUBSTITUTE FOR
SENATE BILL NO. 263**

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

3 Sec. 2. As used in this act:

4 (a) "Child abuse offense" means any violation of section 136b
5 of the Michigan penal code, 1931 PA 328, MCL 750.136b (child
6 abuse), or a substantially similar offense under a law of the
7 United States, any state, or any country or under tribal or

1 military law, that is committed by an adult or by a minor who is
2 tried in the same manner as an adult under section 2d of chapter
3 XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2d.

4 (b) "Convicted" means any of the following:

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

10 (ii) Either of the following:

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

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

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

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

23 (d) "Institution of higher education" means 1 or more of the
24 following:

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

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

1 school.

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

4 (f) "Minor" means a person who is under 18 years of age.

5 (g) "Municipality" means a city, village, or township of this
6 state.

7 (h) "Registering authority" means the local law enforcement
8 agency or sheriff's office having jurisdiction over the person's
9 residence, place of employment, or institution of higher learning,
10 or the nearest department post designated to receive or enter child
11 abuse offender registration information within a registration
12 jurisdiction.

13 (i) "Registration jurisdiction" means each of the 50 states,
14 the District of Columbia, the Commonwealth of Puerto Rico, Guam,
15 the Northern Mariana Islands, the United States Virgin Islands,
16 American Samoa, and the Indian tribes within the United States that
17 elect to function as a registration jurisdiction.

18 (j) "Residence", as used in this act, for registration and
19 voting purposes means the place where a person habitually sleeps,
20 keeps his or her personal effects, and has a regular place of
21 lodging. If a person has more than 1 residence, or if a person has
22 a residence separate from that of his or her spouse, the place
23 where the person resides the greater part of the time is his or her
24 official residence for the purposes of this act. If a person is
25 homeless or otherwise lacks a fixed or temporary residence,
26 residence means the village, city, or township where the person
27 spends a majority of his or her time. This section must not be

1 construed to affect existing judicial interpretation of the term
2 residence.

3 (k) "Student" means a person enrolled on a full- or part-time
4 basis in a public or private educational institution, including,
5 but not limited to, a secondary school, trade school, professional
6 institution, or institution of higher education.

7 Sec. 3. (1) Subject to subsection (2), the following persons
8 who are domiciled or temporarily reside in this state or who work
9 with or without compensation or are students in this state, or who
10 are domiciled, reside, or work with or without compensation or are
11 students in this state for 30 or more total days in a calendar year
12 are required to be registered under this act:

13 (a) A person who is convicted of a child abuse offense after
14 January 1, 2019.

15 (b) A person from another state who is required to register or
16 otherwise be identified as a child abuse offender under a
17 comparable statute of that state.

18 (2) A person who is a nonresident and who is convicted in this
19 state on or after January 1, 2019 of committing a child abuse
20 offense who is not otherwise described in subsection (1) shall
21 nevertheless register under this act. However, the continued
22 reporting requirements of this act do not apply to the person while
23 he or she remains a nonresident and is not otherwise required to
24 report under this act. However, the person shall have his or her
25 photograph taken under section 7.

26 Sec. 4. (1) Registration of a person under this act must
27 proceed as provided in this section.

1 (2) For a person convicted of a child abuse offense on or
2 after January 1, 2019 who on or after January 1, 2019 is sentenced
3 for that offense, the following must register the person by
4 December 31, 2019:

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

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

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

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

14 (3) If a person is convicted of a child abuse offense on or
15 after January 1, 2019 and the person's probation or parole is
16 transferred to this state after January 1, 2019, the probation or
17 parole agent shall register the person immediately after the
18 transfer.

19 (4) All of the following shall register with the local law
20 enforcement agency, sheriff's department, or the department
21 immediately after becoming domiciled or temporarily residing,
22 working, or being a student in this state:

23 (a) Subject to section 3, a person convicted of a child abuse
24 offense in another state or country after January 1, 2019.

25 (b) A person required to be registered as a child abuse
26 offender in another state or country regardless of when the
27 conviction was entered.

1 (5) If a prosecution is pending on January 1, 2019, whether
2 the defendant in a criminal case is required to register under this
3 act shall be determined on the basis of the law in effect on
4 January 1, 2019.

5 Sec. 5. (1) A person required to be registered under this act
6 and who is not a resident of this state shall report his or her
7 status in person to the registering authority having jurisdiction
8 over a campus of an institution of higher education if either of
9 the following occurs:

10 (a) A person is or enrolls as a student with that institution
11 of higher education or the person discontinues that enrollment.

12 (b) As part of his or her course of studies at an institution
13 of higher education in this state, the person is present at any
14 other location in this state, another state, a territory or
15 possession of the United States, or the person discontinues his or
16 her studies at that location.

17 (2) A person required to be registered under this act who is a
18 resident of this state shall report his or her status in person to
19 the registering authority having jurisdiction where his or her new
20 residence or domicile is located if any of the events described
21 under subsection (1) occur.

22 (3) The report required under subsections (1) and (2) must be
23 made immediately after he or she enrolls or discontinues his or her
24 enrollment as a student on that campus including study in this
25 state or another state, a territory or possession of the United
26 States, or another country.

27 (4) The additional registration reports required under this

1 section must be made in the time periods described in section 7 for
2 reports under that section.

3 (5) The local law enforcement agency, sheriff's department, or
4 department post to which a person reports under this section shall
5 require the person to pay the registration fee required under
6 section 7(6) or section 11(1) and to present written documentation
7 of employment status, contractual relationship, volunteer status,
8 or student status. Written documentation under this subsection may
9 include, but need not be limited to, any of the following:

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

11 (b) A contract.

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

13 (6) This section does not apply to a person whose enrollment
14 and participation at an institution of higher education is solely
15 through the mail or the internet from a remote location.

16 Sec. 6. (1) A person required to be registered under this act
17 and who is a resident of this state shall report in person and
18 notify the registering authority having jurisdiction where his or
19 her residence or domicile is located immediately after any of the
20 following occur:

21 (a) The person changes or vacates his or her residence or
22 domicile.

23 (b) The person changes his or her place of employment, or
24 employment is discontinued.

25 (c) The person enrolls as a student with an institution of
26 higher education, or enrollment is discontinued.

27 (d) The person changes his or her name.

1 (e) The person intends to temporarily reside at any place
2 other than his or her residence for more than 7 days.

3 (f) The person establishes any electronic mail or instant
4 message address, or any other designations used in internet
5 communications or postings.

6 (g) Any change required to be reported under section 5.

7 (2) A person required to be registered under this act who is
8 not a resident of this state but has his or her place of employment
9 in this state shall report in person and notify the registering
10 authority having jurisdiction where his or her place of employment
11 is located or the department post of the person's place of
12 employment immediately after the person changes his or her place of
13 employment or employment is discontinued.

14 (3) If a person who is incarcerated in a state correctional
15 facility and is required to be registered under this act is granted
16 parole or is due to be released upon completion of his or her
17 maximum sentence, the department of corrections, before releasing
18 the person, shall provide notice of the location of the person's
19 proposed place of residence or domicile to the department of state
20 police.

21 (4) If a person who is incarcerated in a county jail and is
22 required to be registered under this act is due to be released from
23 custody, the sheriff's department, before releasing the person,
24 shall provide notice of the location of the person's proposed place
25 of residence or domicile to the department of state police.

26 (5) Immediately after either of the following occurs, the
27 department of corrections shall notify the local law enforcement

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

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

7 (b) The person is transferred into a level 1 correctional
8 facility of any kind, including a correctional camp or work camp.

9 (6) A person required to be registered under this act who is a
10 resident of this state shall report in person and notify the
11 registering authority having jurisdiction where his or her
12 residence or domicile is located immediately before he or she
13 changes his or her domicile or residence to another state. The
14 person shall indicate the new state and, if known, the new address.
15 The department shall update the registration and compilation
16 databases and promptly notify the appropriate law enforcement
17 agency and any applicable registration authority in the new state.

18 (7) A person required to be registered under this act who is a
19 resident of this state shall report in person and notify the
20 registering authority having jurisdiction where his or her
21 residence or domicile is located not later than 21 days before he
22 or she changes his or her domicile or residence to another country
23 or travels to another country for more than 7 days. The person
24 shall state the new country of residence or country of travel and
25 the address of his or her new domicile or residence or place of
26 stay, if known. The department shall update the registration and
27 compilation databases created and maintained under the child abuse

1 offenders registry and promptly notify the appropriate law
2 enforcement agency and any applicable child abuse offender
3 registration authority.

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

13 (9) A person registered under this act shall comply with the
14 verification procedures and proof of residence procedures
15 prescribed in sections 5 and 7.

16 (10) As determined by the court on the record, without a jury,
17 at sentencing, a person required to register under this act shall
18 comply with this section for not more than 10 years, except that a
19 person convicted of fourth degree child abuse shall comply with
20 this section for not more than 5 years.

21 (11) The clerk of the court shall provide a copy of the
22 court's order determining the length of the registration period for
23 a person required to be registered under this act to the department
24 upon the court's determination under subsection (10).

25 (12) The registration periods under this section exclude any
26 period of incarceration for committing a crime and any period of
27 civil commitment.

1 Sec. 7. (1) The department shall mail a notice to each person
 2 registered under this act who is not in a state correctional
 3 facility explaining the person's duties under this act.

4 (2) Upon the release of a person registered under this act who
 5 is in a state correctional facility, the department of corrections
 6 shall provide written notice to that person explaining his or her
 7 duties under this section and the procedure for registration,
 8 notification, and verification and payment of the registration fee
 9 prescribed under subsection (6) or section 11(1). The person shall
 10 sign and date the notice. The department of corrections shall
 11 maintain a copy of the signed and dated notice in the person's
 12 file. The department of corrections shall forward the original
 13 notice to the department immediately, regardless of whether the
 14 person signs it.

15 (3) Subject to subsection (4), a person required to be
 16 registered under this act who is not incarcerated shall report in
 17 person to the registering authority where the person is domiciled
 18 or resides for verification of domicile or residence as follows:

19 (a) If the person was convicted of a child abuse offense that
 20 is a misdemeanor, the person shall report once each year during the
 21 person's month of birth.

22 (b) If the person was convicted of a child abuse offense that
 23 is a felony, the person shall report 4 times each year according to
 24 the following schedule:

25 <u>Birth Month</u>	<u>Reporting Months</u>
26 January	January, April, July, and October
27 February	February, May, August, and November

1	March	March, June, September, and December
2	April	April, July, October, and January
3	May	May, August, November, and February
4	June	June, September, December, and March
5	July	July, October, January, and April
6	August	August, November, February, and May
7	September	September, December, March, and June
8	October	October, January, April, and July
9	November	November, February, May, and August
10	December	December, March, June, and September

11 (4) A report under subsection (3) must be made no earlier than
12 the first day or later than the last day of the month in which the
13 person is required to report. However, if the registration period
14 for that person expires during the month in which he or she is
15 required to report under this section, the person shall report
16 during that month on or before the date his or her registration
17 period expires. When a person reports under subsection (3), the
18 person shall review all registration information for accuracy.

19 (5) When a person reports under subsection (3), an officer or
20 authorized employee of the registering authority shall verify the
21 person's residence or domicile and any information required to be
22 reported under section 5. The officer or authorized employee shall
23 also determine whether the person's photograph required under
24 subsection (8) matches the appearance of the person sufficiently to
25 properly identify him or her from that photograph. If not, the
26 officer or authorized employee shall require the person to
27 immediately obtain a current photograph under this section. When

1 all of the verification information has been provided, the officer
2 or authorized employee shall review that information with the
3 person and make any corrections, additions, or deletions the
4 officer or authorized employee determines are necessary based on
5 the review. The officer or authorized employee shall sign and date
6 a verification receipt. The officer or authorized employee shall
7 give a copy of the signed receipt showing the date of verification
8 to the person. The officer or authorized employee shall forward
9 verification information to the department in the manner the
10 department prescribes. The department shall revise the law
11 enforcement database and public internet website maintained under
12 the child abuse offenders registry act as necessary and shall
13 indicate verification in the public internet website maintained
14 under that act.

15 (6) Except as otherwise provided in section 8, a person who
16 reports as prescribed under subsection (3) shall pay a \$50.00
17 registration fee as follows:

18 (a) Upon initial registration.

19 (b) Annually following the year of initial registration. The
20 payment of the registration fee under this subdivision must be made
21 at the time the person reports in the first reporting month for
22 that person as set forth in subsection (3) of each year in which
23 the fee applies, unless a person elects to prepay an annual
24 registration fee for any future year for which an annual
25 registration fee is required. Prepaying any annual registration fee
26 does not change or alter the requirement of a person to report as
27 set forth in subsection (3). The registration fee required to be

1 paid under this subdivision must not be prorated on grounds that
2 the person will complete his or her registration period after the
3 month in which the fee is due.

4 (c) The sum of the amounts required to be paid under
5 subdivisions (a) and (b) must not exceed \$385.00.

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

17 (8) A person registered under this act who is incarcerated
18 shall report to the secretary of state under this subsection
19 immediately after he or she is released to have his or her
20 digitalized photograph taken. The person is not required to report
21 under this subsection if the person had a digitized photograph
22 taken for an operator's or chauffeur's license or official state
23 personal identification card before January 1, 2019, or within 2
24 years before he or she is released unless his or her appearance has
25 changed from the date of that photograph. Unless the person is a
26 nonresident, the photograph must be used on the person's operator's
27 or chauffeur's license or official state personal identification

1 card. The person shall have a new photograph taken when the person
2 renews the license or identification card as provided by law, or as
3 otherwise provided in this act. The secretary of state shall make
4 the digitized photograph available to the department for a
5 registration under this act.

6 (9) If a person does not report under this section or under
7 section 5, the department shall notify all registering authorities
8 as provided in the child abuse offenders registry act and initiate
9 enforcement action as set forth in that act.

10 (10) The department shall prescribe the form for the notices
11 and verification procedures required under this section or under
12 the child abuse offenders registry act.

13 Sec. 8. (1) Of the money collected by a court, local law
14 enforcement agency, sheriff's department, or department post from
15 each registration fee prescribed under this act, \$35.00 must be
16 forwarded to the department, which shall deposit the money in the
17 child abuse offenders registration fund created under subsection
18 (2), and \$15.00 must be retained by the court, local law
19 enforcement agency, sheriff's department, or department post.

20 (2) The child abuse offenders registration fund is created as
21 a separate fund in the department of treasury. The state treasurer
22 shall credit the money received from the payment of the
23 registration fee prescribed under this act to the child abuse
24 offenders registration fund. Money credited to the fund must only
25 be used by the department for training concerning, and the
26 maintenance and automation of, the law enforcement database, public
27 internet website, and information required under the child abuse

1 offenders registry act, or notification and offender registration
2 duties under section 5. Money in the child abuse offenders
3 registration fund at the close of the fiscal year must remain in
4 the fund and must not lapse to the general fund.

5 (3) If a person required to pay a registration fee under this
6 act is indigent, the registration fee must be waived for a period
7 of 90 days. The burden is on the person claiming indigence to prove
8 the fact of indigence to the satisfaction of the local law
9 enforcement agency, sheriff's department, or department post where
10 the person is reporting.

11 (4) Payment of the registration fee prescribed under this act
12 must be made in the form and by means prescribed by the department.
13 Upon payment of the registration fee prescribed under this act, the
14 officer or employee shall forward verification of the payment to
15 the department in the manner the department prescribes. The
16 department shall revise the law enforcement database and public
17 internet website maintained under the child abuse offenders
18 registry act as necessary and shall indicate verification of
19 payment in the compilation under that act.

20 Sec. 9. The department of corrections shall not collect any
21 fee prescribed under this act.

22 Sec. 10. (1) The officer, court, or agency registering a
23 person or receiving or accepting a registration under section 4 or
24 receiving notice under section 6 shall provide the person with a
25 copy of the registration or notification at the time of
26 registration or notice.

27 (2) The officer, court, or agency registering a person or

1 receiving or accepting a registration under section 4 or notified
2 of an address change under section 6(1) shall forward the
3 registration or notification to the department in a manner
4 described by the department immediately after registration or
5 notification.

6 Sec. 11. (1) Registration information obtained under this act
7 must be forwarded to the department in the format the department
8 prescribes. Except as provided in section 8(3), a \$50.00
9 registration fee must accompany each original registration. All of
10 the following information must be obtained or otherwise provided
11 for registration purposes:

12 (a) The person's legal name and any aliases, nicknames, ethnic
13 or tribal names, or other names by which the person is or has been
14 known. A person who is in a witness protection and relocation
15 program is only required to use the name and identifying
16 information reflecting his or her new identity in a registration
17 under this act. The registration and compilation databases created
18 and maintained under the child abuse offenders registry act must
19 not contain any information identifying the person's prior identity
20 or locale.

21 (b) The person's social security number and any social
22 security numbers or alleged social security numbers previously used
23 by the person.

24 (c) The person's date of birth and any alleged dates of birth
25 previously used by the person.

26 (d) The address where the person resides or will reside. If
27 the person does not have a residential address, information under

1 this subsection must identify the location or area used or to be
2 used by the person in lieu of a residence or, if the person is
3 homeless, the village, city, or township where the person spends or
4 will spend the majority of his or her time.

5 (e) The name and address of any place of temporary lodging
6 used or to be used by the person during any period in which the
7 person is away, or is expected to be away, from his or her
8 residence for more than 7 days. Information under this subdivision
9 must include the dates the lodging is used or to be used.

10 (f) The name and address of each of the person's employers.
11 For purposes of this subdivision, "employer" includes a contractor
12 and any person who has agreed to hire or contract with the person
13 for his or her services. Information under this subdivision must
14 include the address or location of employment if different from the
15 address of the employer. If the person lacks a fixed employment
16 location, the information obtained under this subdivision must
17 include the general areas where the person works.

18 (g) The name and address of any school being attended by the
19 person and any school that has accepted the person as a student
20 that he or she plans to attend. For purposes of this subdivision,
21 "school" means a public or private postsecondary school or school
22 of higher education, including a trade school.

23 (h) All telephone numbers registered to the person or
24 routinely used by the person.

25 (i) The person's driver license number or state personal
26 identification card number.

27 (j) A digital copy of the person's passport and other

1 immigration documents.

2 (k) The person's occupational and professional licensing
3 information, including any license that authorizes the person to
4 engage in any occupation, profession, trade, or business.

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

9 (m) A complete physical description of the person.

10 (n) The photograph required under section 7.

11 (o) The person's fingerprints if not already on file with the
12 department and the person's palm prints. A person required to be
13 registered under this act shall have his or her fingerprints or
14 palm prints or both taken not later than September 1, 2019 if his
15 or her fingerprints or palm prints are not already on file with the
16 department. The department shall forward a copy of the person's
17 fingerprints and palm prints to the Federal Bureau of Investigation
18 if not already on file with that bureau.

19 (p) Information that is required to be reported under section
20 5.

21 (2) A registration must contain all of the following:

22 (a) An electronic copy of the person's Michigan driver license
23 or Michigan personal identification card, including the photograph
24 required under this act.

25 (b) The text of the provision of law that defines the child
26 abuse offense for which the person is registered.

27 (c) Any outstanding arrest warrant information.

1 (d) An identifier that indicates whether a DNA sample has been
2 collected and any resulting DNA profile has been entered into the
3 federal Combined DNA Index System (CODIS).

4 (e) The person's complete criminal history record, including
5 the dates of all arrests and convictions.

6 (f) The person's Michigan department of corrections number and
7 status of parole, probation, or supervised release.

8 (g) The person's Federal Bureau of Investigation number.

9 (3) The form used for notification of duties under this act
10 must contain a written statement that explains the duty of the
11 person being registered to provide notice of changes in his or her
12 registration information, the procedures for providing that notice,
13 and the verification procedures under section 7.

14 (4) The person shall sign a registration and notice. However,
15 the registration and notice must be forwarded to the department
16 regardless of whether the person signs it or pays the registration
17 fee required under subsection (1).

18 (5) The officer, court, or an employee of the agency
19 registering the person or receiving or accepting a registration
20 under section 4 shall sign the registration form.

21 (6) A person shall not knowingly provide false or misleading
22 information concerning a registration, notice, or verification.

23 (7) The department shall prescribe the form for a notification
24 required under section 6 and the format for forwarding the
25 notification to the department.

26 (8) The department shall promptly provide registration,
27 notice, and verification information to the Federal Bureau of

1 Investigation and to local law enforcement agencies, sheriff's
2 departments, department posts, and other registering jurisdictions,
3 as provided by law.

4 Sec. 12. (1) Except as provided in subsections (2), (3), and
5 (4), a person required to be registered under this act who
6 willfully violates this act is guilty of a felony punishable as
7 follows:

8 (a) If the person has no prior convictions for a violation of
9 this act, by imprisonment for not more than 4 years or a fine of
10 not more than \$2,000.00, or both.

11 (b) If the person has 1 prior conviction for a violation of
12 this act, by imprisonment for not more than 7 years or a fine of
13 not more than \$5,000.00, or both.

14 (c) If the person has 2 or more prior convictions for
15 violations of this act, by imprisonment for not more than 10 years
16 or a fine of not more than \$10,000.00, or both.

17 (2) A person who fails to comply with section 7, other than
18 payment of the fee required under section 7(6), is guilty of a
19 misdemeanor punishable by imprisonment for not more than 2 years or
20 a fine of not more than \$2,000.00, or both.

21 (3) A person who willfully fails to sign a registration and
22 notice as provided in section 11(4) is guilty of a misdemeanor
23 punishable by imprisonment for not more than 93 days or a fine of
24 not more than \$1,000.00, or both.

25 (4) A person who willfully refuses or fails to pay the
26 registration fee prescribed in section 7(6) or section 11(1) within
27 90 days of the date the person reports under section 5 or 7 is

1 guilty of a misdemeanor punishable by imprisonment for not more
2 than 90 days.

3 (5) The court shall revoke the probation of a person placed on
4 probation who willfully violates this act.

5 (6) The parole board shall rescind the parole of a person
6 released on parole who willfully violates this act.

7 (7) A person's failure to register as required by this act or
8 a violation of section 6 may be prosecuted in the judicial district
9 of any of the following:

10 (a) The person's last registered address or residence.

11 (b) The person's actual address or residence.

12 (c) Where the person was arrested for the violation.

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

19 (2) Except as provided in this act, a person other than the
20 registrant who knows of a registration or report under this act and
21 who divulges, uses, or publishes nonpublic information concerning
22 the registration or report in violation of this act is guilty of a
23 misdemeanor punishable by imprisonment for not more than 93 days or
24 a fine of not more than \$1,000.00, or both.

25 (3) A person whose registration or report is revealed in
26 violation of this act has a civil cause of action against the
27 responsible party for treble damages.

1 Sec. 14. The implementation of this act is subject to the
2 appropriation of funds providing for its implementation and
3 enforcement.

4 Enacting section 1. This act takes effect 90 days after the
5 date it is enacted into law.

6 Enacting section 2. This act does not take effect unless
7 Senate Bill No. 261 of the 99th Legislature is enacted into law.