



THE APPARENT PROBLEM:

Senate Bill 397 would create the Sex Offenders Registration Act, requiring people convicted of various sex crimes to register with authorities. Under a proposed House substitute for the bill, registration requirements also would apply to juveniles who were found to have committed any of the listed offenses. As those juveniles are to register with the juvenile court or the Department of Social Services (depending on circumstances), complementary amendments to the juvenile code are needed.

THE CONTENT OF THE BILL:

The bill would amend the juvenile code with regard to juveniles for whom the probate court has entered an order of disposition for an offense listed in the Sex Offenders Registration Act, which would be created by Senate Bill 397. The bill would require the probate court or Department of Social Services to register a child or accept the child's registration under the Sex Offenders Registration Act.

MCL 712A.18

FISCAL IMPLICATIONS:

There is no fiscal information at present. (6-21-94)

ARGUMENTS:

For:

Testimony before the Senate Judiciary committee suggested that the numbers of juvenile offenders are on the rise and that youths are committing sex offenses at younger ages than seen previously. Further, research indicates that juveniles are responsible for a significant portion of sex offenses, especially those committed against children; according to a 1982 study of three sexual assault centers, 42 to 56 percent of the child victims seen at those centers had been molested by offenders under

age 18. As sexually deviant behavior often commences with juvenile offenses, sometimes relatively minor offenses that tend to escalate as the offender ages, it is important to identify and monitor sex offenders as early as possible. This way, potentially dangerous members of society can be identified and treated while still amenable to therapy and rehabilitation. The bill, together with Senate Bill 397 and the rest of the sex offender registry package, would effect these aims.

Against:

The proposal to register juvenile sex offenders runs counter to one of the basic premises of the juvenile justice system, which is that a reformed adult should not have to suffer a continuing stigma for youthful offenses. Even though dispositional information on certain juvenile offenders is now, under recent statutory changes, a matter of public record, the legislation goes too far in its requirements for juvenile sex offenders to register as sex offenders for a minimum of 25 years. There is evidence that treatment of juvenile sex offenders can be successful in preventing reoccurrence of such crimes. A 1991 study funded by the Washington State Institute for Public Policy (WSIPP) followed up on 197 juvenile sex offenders who were first identified and given offense-specific treatment in 1984; following treatment, only 20 of the youth (10.2 percent) had been convicted of a new sex offense. Juvenile sex offenders are more amenable to treatment than their adult counterparts; because they are more susceptible to the positive effects of therapy, society should not brand them as sexual offenders, but rather should concentrate on rehabilitating them.

Against:

The bill, together with its companion legislation, would significantly increase burdens for already-overburdened probate courts. If such burdens are to be imposed, there should at least be some consideration of their accompanying costs.

POSITIONS:

The Department of State Police supports the bill as part of the sex offender registration package. (6-21-94)

The Prosecuting Attorneys Association of Michigan supports the concept of the bill. (6-21-94)

The Michigan Probate Judges Association has not had an opportunity to review the substitute bill and therefore does not have a formal position at this time, but has concerns about potential costs for the probate courts. (6-21-94)

The American Civil Liberties Union of Michigan opposes the bill. (6-21-94)