

SENATE BILL NO. 566

May 4, 1999, Introduced by Senator HAMMERSTROM and referred to the Committee on Families, Mental Health and Human Services.

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending sections 2, 3, 4, 5, 7, 9, and 10 (MCL 28.722, 28.723, 28.724, 28.725, 28.727, 28.729, and 28.730), section 3 as amended by 1995 PA 10 and sections 7 and 10 as amended by 1996 PA 494, and by adding section 5a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Convicted" means 1 of the following:

3 (i) Having a judgment of conviction or a probation order
4 entered in a court having jurisdiction over criminal offenses,
5 INCLUDING BUT NOT LIMITED TO A TRIBAL COURT OR A MILITARY COURT,
6 AND including a conviction subsequently set aside ~~pursuant to~~
7 ~~Act No. 213 of the Public Acts of 1965, being sections 780.621 to~~

1 ~~780.624 of the Michigan Compiled Laws~~ UNDER 1965 PA 213,
2 MCL 780.621 TO 780.624.

3 (ii) Being assigned to youthful trainee status ~~pursuant to~~
4 UNDER sections 11 to 15 of chapter II of the code of criminal
5 procedure, ~~Act No. 175 of the Public Acts of 1927, being sec-~~
6 ~~tions 762.11 to 762.15 of the Michigan Compiled Laws~~ 1927 PA
7 175, MCL 762.12 TO 762.15.

8 (iii) Having ~~a~~ AN ORDER OF disposition entered ~~pursuant~~
9 ~~to~~ UNDER section 18 of chapter XIIIA of ~~Act No. 288 of the~~
10 ~~Public Acts of 1939, being section 712A.18 of the Michigan~~
11 ~~Compiled Laws~~ 1939 PA 288, MCL 712A.18, that is open to the gen-
12 eral public ~~pursuant to~~ UNDER section 28 of chapter XIIIA of
13 ~~Act No. 288 of the Public Acts of 1939, being section 712A.28 of~~
14 ~~the Michigan Compiled Laws~~ 1939 PA 288, MCL 712A.28.

15 (b) "Department" means the department of state police.

16 (c) "Local law enforcement agency" means the police depart-
17 ment of a municipality.

18 (d) "Listed offense" means any of the following:

19 (i) A violation of section 145a, 145b, or 145c of the
20 Michigan penal code, ~~Act No. 328 of the Public Acts of 1931,~~
21 ~~being sections 750.145a, 750.145b, and 750.145c of the Michigan~~
22 ~~Compiled Laws~~ 1931 PA 328, MCL 750.145A, 750.145B, AND 750.145C.

23 (ii) A VIOLATION OF SECTION 158 OF THE MICHIGAN PENAL CODE,
24 1931 PA 328, MCL 750.158, IF A VICTIM IS AN INDIVIDUAL LESS THAN
25 18 YEARS OF AGE.

26 (iii) ~~(ii)~~ A third or subsequent violation of any
27 combination of the following:

1 (A) Section 167(1)(f) of ~~Act No. 328 of the Public Acts of~~
2 ~~1931, being section 750.167 of the Michigan Compiled Laws~~ THE
3 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.167.

4 (B) Section 335a of ~~Act No. 328 of the Public Acts of 1931,~~
5 ~~being section 750.335a of the Michigan Compiled Laws~~ THE
6 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.335A.

7 (C) A local ordinance OF A MUNICIPALITY substantially corre-
8 sponding to a section described in sub-subparagraph (A) or (B).

9 (iv) A VIOLATION OF SECTION 338, 338A, OR 338B OF THE
10 MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.338, 750.338A, AND
11 750.338B, IF A VICTIM IS AN INDIVIDUAL LESS THAN 18 YEARS OF AGE.

12 (v) A VIOLATION OF SECTION 349 OF THE MICHIGAN PENAL CODE,
13 1931 PA 328, MCL 750.349, IF A VICTIM IS AN INDIVIDUAL LESS THAN
14 18 YEARS OF AGE.

15 (vi) A VIOLATION OF SECTION 350 OF THE MICHIGAN PENAL CODE,
16 1931 PA 328, MCL 750.350.

17 (vii) A VIOLATION OF SECTION 448 OF THE MICHIGAN PENAL CODE,
18 1931 PA 328, MCL 750.448, IF A VICTIM IS AN INDIVIDUAL LESS THAN
19 18 YEARS OF AGE.

20 (viii) ~~(iii)~~ A violation of section 455 of ~~Act No. 328 of~~
21 ~~the Public Acts of 1931, being section 750.455 of the Michigan~~
22 ~~Compiled Laws~~ THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.455.

23 (ix) ~~(iv)~~ A violation of section 520b, 520c, 520d, 520e,
24 or 520g of ~~Act No. 328 of the Public Acts of 1931, being~~
25 ~~sections 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g of~~
26 ~~the Michigan Compiled Laws~~ THE MICHIGAN PENAL CODE, 1931 PA 328,
27 MCL 750.520B, 750.520C, 750.520D, 750.520E, AND 750.520G.

1 (x) ANY OTHER VIOLATION OF A LAW OF THIS STATE OR A LOCAL
2 ORDINANCE OF A MUNICIPALITY THAT BY ITS NATURE CONSTITUTES A
3 SEXUAL OFFENSE AGAINST AN INDIVIDUAL WHO IS LESS THAN 18 YEARS OF
4 AGE.

5 (xi) AN OFFENSE COMMITTED BY A PERSON WHO WAS, AT THE TIME
6 OF THE OFFENSE, A SEXUALLY DELINQUENT PERSON AS DEFINED IN SEC-
7 TION 10A OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.10A.

8 (xii) ~~(v)~~ An attempt or conspiracy to commit an offense
9 described in subparagraphs (i) to ~~(iv)~~ (xi).

10 (xiii) ~~(vi)~~ An offense substantially similar to an offense
11 described in subparagraphs (i) to ~~(v)~~ (xii) under a law of the
12 United States, any state, or any country OR UNDER TRIBAL OR MILI-
13 TARY LAW.

14 (e) "Municipality" means a city, village, or township of
15 this state.

16 (f) ~~"Unit" means the department's investigative resources~~
17 ~~unit.~~ "STUDENT" MEANS AN INDIVIDUAL ENROLLED ON A FULL- OR
18 PART-TIME BASIS IN A PUBLIC OR PRIVATE EDUCATIONAL INSTITUTION,
19 INCLUDING BUT NOT LIMITED TO A SECONDARY SCHOOL, TRADE SCHOOL,
20 PROFESSIONAL INSTITUTION, OR INSTITUTION OF HIGHER EDUCATION.

21 Sec. 3. (1) ~~The~~ SUBJECT TO SUBSECTION (2), THE following
22 individuals who are domiciled or temporarily reside in this state
23 for 14 ~~days~~ or more CONSECUTIVE DAYS, WHO WORK WITH OR WITHOUT
24 COMPENSATION OR ARE STUDENTS IN THIS STATE FOR 14 OR MORE CONSEC-
25 UTIVE DAYS, OR WHO ARE DOMICILED, RESIDE, OR WORK WITH OR WITHOUT
26 COMPENSATION OR ARE STUDENTS IN THIS STATE FOR 30 OR MORE TOTAL

1 DAYS IN A CALENDAR YEAR are required to be registered under this
2 act:

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

5 (b) An individual convicted of a listed offense on or before
6 October 1, 1995 ~~who~~ IF on October 1, 1995 HE OR SHE is on pro-
7 bation or parole, committed to jail, committed to the jurisdic-
8 tion of the department of corrections, or under the jurisdiction
9 of the juvenile division of the probate court or the department
10 of social services for that offense or ~~who~~ is placed on proba-
11 tion or parole, committed to jail, committed to the jurisdiction
12 of the department of corrections, ~~or~~ placed under the jurisdic-
13 tion of the juvenile division of the probate court or FAMILY
14 DIVISION OF CIRCUIT COURT, OR COMMITTED TO the department of
15 social services OR FAMILY INDEPENDENCE AGENCY after October 1,
16 1995 for that offense.

17 (c) An individual convicted of an offense described in sec-
18 tion ~~2(d)(vi)~~ 2(D)(xiii) on or before October 1, 1995 ~~who~~ IF
19 on October 1, 1995 HE OR SHE is on probation or parole that has
20 been transferred to this state for that offense or ~~whose~~ HIS OR
21 HER probation or parole is transferred to this state after
22 October 1, 1995 for that offense.

23 (D) AN INDIVIDUAL FROM ANOTHER STATE WHO IS REQUIRED TO REG-
24 ISTER OR OTHERWISE BE IDENTIFIED AS A SEX OR CHILD OFFENDER OR
25 PREDATOR UNDER A COMPARABLE STATUTE OF THAT STATE.

26 (2) AN INDIVIDUAL CONVICTED OF AN OFFENSE ADDED ON SEPTEMBER
27 1, 1999 TO THE DEFINITION OF LISTED OFFENSE IS NOT REQUIRED TO BE

1 REGISTERED SOLELY BECAUSE OF THAT LISTED OFFENSE UNLESS 1 OF THE
2 FOLLOWING APPLIES:

3 (A) THE INDIVIDUAL IS CONVICTED OF THAT LISTED OFFENSE AFTER
4 SEPTEMBER 1, 1999.

5 (B) ON SEPTEMBER 1, 1999, THE INDIVIDUAL IS ON PROBATION OR
6 PAROLE, COMMITTED TO JAIL, COMMITTED TO THE JURISDICTION OF THE
7 DEPARTMENT OF CORRECTIONS, UNDER THE JURISDICTION OF THE FAMILY
8 DIVISION OF CIRCUIT COURT, OR COMMITTED TO THE FAMILY INDEPEN-
9 DENCE AGENCY FOR THAT OFFENSE OR THE INDIVIDUAL IS PLACED ON PRO-
10 BATION OR PAROLE, COMMITTED TO JAIL, COMMITTED TO THE JURISDIC-
11 TION OF THE DEPARTMENT OF CORRECTIONS, PLACED UNDER THE JURISDIC-
12 TION OF THE FAMILY DIVISION OF CIRCUIT COURT, OR COMMITTED TO THE
13 FAMILY INDEPENDENCE AGENCY AFTER SEPTEMBER 1, 1999 FOR THAT
14 OFFENSE.

15 (C) ON SEPTEMBER 1, 1999, THE INDIVIDUAL IS ON PROBATION OR
16 PAROLE FOR THAT OFFENSE WHICH HAS BEEN TRANSFERRED TO THIS STATE
17 OR THE INDIVIDUAL'S PROBATION OR PAROLE FOR THAT OFFENSE IS
18 TRANSFERRED TO THIS STATE AFTER SEPTEMBER 1, 1999.

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

21 (2) For an individual convicted of a listed offense on or
22 before October 1, 1995 who on or before October 1, 1995 is sen-
23 tenced for that offense, has a disposition entered for that
24 offense, or is assigned to youthful trainee status for that
25 offense, the following shall register the individual by
26 December 31, 1995:

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

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

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

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

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

15 (3) ~~For~~ EXCEPT AS PROVIDED IN SUBSECTION (4), FOR an indi-
16 vidual convicted of a listed offense on or before October 1,
17 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 indi-
21 vidual before sentencing or assignment.

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

26 (c) If the individual is placed within the jurisdiction of
27 the ~~juvenile~~ FAMILY division of ~~the probate~~ CIRCUIT court or

1 COMMITTED TO the department of social services ~~pursuant to~~ OR
2 FAMILY INDEPENDENCE AGENCY UNDER an order of disposition entered
3 after October 1, 1995, the juvenile division of the probate court
4 OR FAMILY DIVISION OF CIRCUIT COURT shall register the individual
5 before the order of disposition is entered.

6 (4) FOR AN INDIVIDUAL CONVICTED ON OR BEFORE SEPTEMBER 1,
7 1999 OF AN OFFENSE THAT WAS ADDED ON SEPTEMBER 1, 1999 TO THE
8 DEFINITION OF LISTED OFFENSE, THE FOLLOWING SHALL REGISTER THE
9 INDIVIDUAL:

10 (A) IF THE INDIVIDUAL IS ON PROBATION OR PAROLE ON SEPTEMBER
11 1, 1999 FOR THE LISTED OFFENSE, THE INDIVIDUAL'S PROBATION OR
12 PAROLE OFFICER NOT LATER THAN SEPTEMBER 12, 1999.

13 (B) IF THE INDIVIDUAL IS COMMITTED TO JAIL ON SEPTEMBER 1,
14 1999 FOR THE LISTED OFFENSE, THE SHERIFF OR HIS OR HER DESIGNEE
15 NOT LATER THAN SEPTEMBER 12, 1999.

16 (C) IF THE INDIVIDUAL IS UNDER THE JURISDICTION OF THE
17 DEPARTMENT OF CORRECTIONS ON SEPTEMBER 1, 1999 FOR THE LISTED
18 OFFENSE, THE DEPARTMENT OF CORRECTIONS NOT LATER THAN NOVEMBER
19 30, 1999.

20 (D) IF THE INDIVIDUAL IS WITHIN THE JURISDICTION OF THE
21 FAMILY DIVISION OF CIRCUIT COURT OR COMMITTED TO THE FAMILY INDE-
22 PENDENCE AGENCY OR COUNTY JUVENILE AGENCY ON SEPTEMBER 1, 1999
23 UNDER AN ORDER OF DISPOSITION FOR THE LISTED OFFENSE, THE FAMILY
24 DIVISION OF CIRCUIT COURT, THE FAMILY INDEPENDENCE AGENCY, OR THE
25 COUNTY JUVENILE AGENCY NOT LATER THAN NOVEMBER 30, 1999.

26 (E) IF THE INDIVIDUAL IS SENTENCED OR ASSIGNED TO YOUTHFUL
27 TRAINEE STATUS FOR THAT OFFENSE AFTER SEPTEMBER 1, 1999, THE

1 PROBATION OFFICER SHALL REGISTER THE INDIVIDUAL BEFORE SENTENCING
2 OR ASSIGNMENT.

3 (F) IF THE INDIVIDUAL'S PROBATION OR PAROLE FOR THE LISTED
4 OFFENSE IS TRANSFERRED TO THIS STATE AFTER SEPTEMBER 1, 1999, THE
5 PROBATION OR PAROLE OFFICER SHALL REGISTER THE INDIVIDUAL WITHIN
6 14 DAYS AFTER THE TRANSFER.

7 (G) IF THE INDIVIDUAL IS PLACED WITHIN THE JURISDICTION OF
8 THE FAMILY DIVISION OF CIRCUIT COURT OR COMMITTED TO THE FAMILY
9 INDEPENDENCE AGENCY FOR THE LISTED OFFENSE AFTER SEPTEMBER 1,
10 1999, THE FAMILY DIVISION OF CIRCUIT COURT SHALL REGISTER THE
11 INDIVIDUAL BEFORE THE ORDER OF DISPOSITION IS ENTERED.

12 (5) ~~(4) For an~~ AN individual convicted of a listed offense
13 in this state after October 1, 1995 ~~, the individual~~ shall reg-
14 ister before sentencing, entry of the order of disposition, or
15 assignment to youthful trainee status. The probation officer or
16 the ~~juvenile~~ FAMILY division of ~~the probate~~ CIRCUIT court
17 shall give the individual the registration form after the indi-
18 vidual is convicted, ~~shall~~ explain the duty to register, VERIFY
19 HIS OR HER ADDRESS, AND PROVIDE NOTICE OF ADDRESS CHANGES, and
20 ~~shall~~ accept the completed registration for processing
21 ~~pursuant to~~ UNDER section 6. THE COURT SHALL NOT IMPOSE SEN-
22 TENCE, ENTER THE ORDER OF DISPOSITION, OR ASSIGN THE INDIVIDUAL
23 TO YOUTHFUL TRAINEE STATUS UNTIL IT DETERMINES THAT THE
24 INDIVIDUAL'S REGISTRATION WAS FORWARDED TO THE DEPARTMENT AS
25 REQUIRED UNDER SECTION 6.

26 (6) ~~(5) For an~~ AN individual convicted of a listed offense
27 in another state or country after October 1, 1995 ~~, the~~

1 ~~individual~~ OR REQUIRED TO BE REGISTERED AS A SEX OFFENDER OR
2 PREDATOR IN ANOTHER STATE shall register with the local law
3 enforcement agency, ~~or the state police or the~~ sheriff's
4 department, OR THE DEPARTMENT within 14 days after becoming domi-
5 ciled or temporarily residing, WORKING, OR BEING A STUDENT in
6 this state FOR THE PERIODS SPECIFIED IN SECTION 3(1).

7 Sec. 5. (1) Within 10 days after any of the following
8 occur, an individual required to be registered under this act
9 shall notify the local law enforcement agency ~~in which~~ OR
10 SHERIFF'S DEPARTMENT HAVING JURISDICTION WHERE his or her new
11 ~~address~~ RESIDENCE OR DOMICILE is located ~~,~~ or the ~~state~~
12 ~~police or the sheriff's~~ department of the individual's new
13 ~~address~~ RESIDENCE OR DOMICILE:

14 (a) The individual changes his or her ~~address~~ RESIDENCE,
15 DOMICILE, OR PLACE OF WORK OR EDUCATION.

16 (b) The individual is paroled.

17 (c) Final release of the individual from the jurisdiction of
18 the department of corrections.

19 (2) Within 10 days after either of the following occurs, the
20 department of corrections shall notify the local law enforcement
21 agency ~~for~~ OR SHERIFF'S DEPARTMENT HAVING JURISDICTION OVER the
22 area to which the individual is transferred ~~,~~ or the ~~state~~
23 ~~police of the sheriff's~~ department of the transferred ~~address~~
24 RESIDENCE OR DOMICILE of an individual required to be registered
25 under this act:

26 (a) The individual is transferred to a community residential
27 program.

1 (b) The individual is transferred into a minimum custody
2 correctional facility of any kind, including a correctional camp
3 or work camp.

4 (3) AN INDIVIDUAL REQUIRED TO BE REGISTERED UNDER THIS ACT
5 SHALL NOTIFY THE DEPARTMENT ON A FORM PRESCRIBED BY THE DEPART-
6 MENT NOT LATER THAN 10 DAYS 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 DATA-
10 BASES AND PROMPTLY NOTIFY THE APPROPRIATE LAW ENFORCEMENT AGENCY
11 AND ANY APPLICABLE SEX OR CHILD OFFENDER REGISTRATION AUTHORITY
12 IN THE NEW STATE.

13 (4) IF THE PROBATION OR PAROLE OF AN INDIVIDUAL REQUIRED TO
14 BE REGISTERED UNDER THIS ACT IS TRANSFERRED TO ANOTHER STATE OR
15 AN INDIVIDUAL REQUIRED TO BE REGISTERED UNDER THIS ACT IS TRANS-
16 FERRED FROM A STATE CORRECTIONAL FACILITY TO ANY CORRECTIONAL
17 FACILITY OR PROBATION OR PAROLE IN ANOTHER STATE, THE DEPARTMENT
18 OF CORRECTIONS SHALL PROMPTLY NOTIFY THE DEPARTMENT AND THE
19 APPROPRIATE LAW ENFORCEMENT AGENCY AND ANY APPLICABLE SEX OR
20 CHILD OFFENDER REGISTRATION AUTHORITY IN THE NEW STATE. THE
21 DEPARTMENT SHALL UPDATE THE REGISTRATION AND COMPILATION
22 DATABASES.

23 (5) AN INDIVIDUAL REGISTERED UNDER THIS ACT SHALL COMPLY
24 WITH THE VERIFICATION PROCEDURES AND PROOF OF RESIDENCE PROCE-
25 DURES PRESCRIBED IN SECTION 5A.

26 (6) ~~-(3)-~~ Except as provided in subsection ~~-(4)-~~ (7), an
27 individual shall comply with this section for 25 years after the

1 date of initially registering OR, IF THE INDIVIDUAL IS IN A STATE
2 CORRECTIONAL FACILITY, FOR 10 YEARS AFTER RELEASE FROM THE STATE
3 CORRECTIONAL FACILITY, WHICHEVER IS LONGER.

4 (7) ~~(4)~~ An individual shall comply with this section for
5 life if the individual is convicted of ANY OF THE FOLLOWING OR A
6 SUBSTANTIALLY SIMILAR OFFENSE UNDER A LAW OF THE UNITED STATES,
7 ANY STATE, OR ANY COUNTRY OR UNDER TRIBAL OR MILITARY LAW:

8 (A) A VIOLATION OF SECTION 520B OF THE MICHIGAN PENAL CODE,
9 1931 PA 328, MCL 750.520B.

10 (B) A VIOLATION OF SECTION 520C(1)(A) OF THE MICHIGAN PENAL
11 CODE, 1931 PA 328, MCL 750.520C.

12 (C) A VIOLATION OF SECTION 349 OF THE MICHIGAN PENAL CODE,
13 1931 PA 328, MCL 750.349, IF THE VICTIM IS LESS THAN 18 YEARS OF
14 AGE.

15 (D) A VIOLATION OF SECTION 350 OF THE MICHIGAN PENAL CODE,
16 1931 PA 328, MCL 750.350.

17 (E) AN ATTEMPT OR CONSPIRACY TO COMMIT AN OFFENSE DESCRIBED
18 IN SUBDIVISIONS (A) TO (D).

19 (F) EXCEPT AS PROVIDED IN THIS SUBDIVISION, a second or sub-
20 sequent listed offense after October 1, 1995 regardless of when
21 ~~the first~~ ANY EARLIER listed offense was committed. AN INDI-
22 VIDUAL IS NOT REQUIRED TO COMPLY WITH THIS SECTION FOR LIFE IF
23 HIS OR HER FIRST OR SECOND LISTED OFFENSE IS FOR A CONVICTION ON
24 OR BEFORE SEPTEMBER 1, 1999 FOR AN OFFENSE THAT WAS ADDED ON
25 SEPTEMBER 1, 1999 TO THE DEFINITION OF LISTED OFFENSE, UNLESS HE
26 OR SHE IS CONVICTED OF A SUBSEQUENT LISTED OFFENSE AFTER
27 SEPTEMBER 1, 1999.

1 SEC. 5A. (1) NOT LATER THAN SEPTEMBER 1, 1999, THE
2 DEPARTMENT SHALL MAIL A NOTICE TO EACH INDIVIDUAL REGISTERED
3 UNDER THIS ACT WHO IS NOT IN A STATE CORRECTIONAL FACILITY
4 EXPLAINING THE INDIVIDUAL'S DUTIES UNDER THIS SECTION AND THIS
5 ACT AS AMENDED AND THE PROCEDURE FOR REGISTRATION, NOTIFICATION,
6 AND VERIFICATION.

7 (2) UPON THE RELEASE OF AN INDIVIDUAL REGISTERED UNDER THIS
8 ACT WHO IS IN A STATE CORRECTIONAL FACILITY, THE DEPARTMENT OF
9 CORRECTIONS SHALL PROVIDE WRITTEN NOTICE TO THAT INDIVIDUAL
10 EXPLAINING HIS OR HER DUTIES UNDER THIS SECTION AND THIS ACT AS
11 AMENDED AND THE PROCEDURE FOR REGISTRATION, NOTIFICATION, AND
12 VERIFICATION. THE INDIVIDUAL SHALL SIGN AND DATE THE NOTICE.
13 THE DEPARTMENT OF CORRECTIONS SHALL MAINTAIN A COPY OF THE SIGNED
14 AND DATED NOTICE IN THE INDIVIDUAL'S FILE. THE DEPARTMENT OF
15 CORRECTIONS SHALL FORWARD THE ORIGINAL NOTICE TO THE DEPARTMENT
16 WITHIN 30 DAYS, REGARDLESS OF WHETHER THE INDIVIDUAL SIGNS IT.

17 (3) NOT LATER THAN JANUARY 15, 2000, AN INDIVIDUAL REGIS-
18 TERED UNDER THIS ACT WHO IS NOT INCARCERATED SHALL REPORT IN
19 PERSON TO THE LOCAL LAW ENFORCEMENT AGENCY OR SHERIFF'S DEPART-
20 MENT HAVING JURISDICTION WHERE HE OR SHE IS DOMICILED OR RESIDES
21 OR TO THE DEPARTMENT POST IN OR NEAREST TO THE COUNTY WHERE HE OR
22 SHE IS DOMICILED OR RESIDES. THE INDIVIDUAL SHALL PRESENT PROOF
23 OF DOMICILE OR RESIDENCE AND UPDATE ANY INFORMATION THAT CHANGED
24 SINCE REGISTRATION. AN INDIVIDUAL REGISTERED UNDER THIS ACT WHO
25 IS INCARCERATED ON JANUARY 15, 2000 SHALL REPORT UNDER THIS SUB-
26 SECTION NOT LESS THAN 10 DAYS AFTER HE OR SHE IS RELEASED.

1 (4) FOLLOWING INITIAL VERIFICATION UNDER SUBSECTION (3), OR
2 REGISTRATION UNDER THIS ACT AFTER JANUARY 15, 2000, AN INDIVIDUAL
3 REQUIRED TO BE REGISTERED UNDER THIS ACT WHO IS NOT INCARCERATED
4 SHALL REPORT IN PERSON TO THE LOCAL LAW ENFORCEMENT AGENCY OR
5 SHERIFF'S DEPARTMENT HAVING JURISDICTION WHERE HE OR SHE IS DOMI-
6 CILED OR RESIDES OR TO THE DEPARTMENT POST IN OR NEAREST TO THE
7 COUNTY WHERE HE OR SHE IS DOMICILED OR RESIDES FOR VERIFICATION
8 OF DOMICILE OR RESIDENCE AS FOLLOWS:

9 (A) IF THE PERSON IS REGISTERED ONLY FOR 1 OR MORE MISDE-
10 MEANOR LISTED OFFENSES, NOT EARLIER THAN JANUARY 1 OR LATER THAN
11 JANUARY 15 OF EACH YEAR AFTER THE INITIAL VERIFICATION OR
12 REGISTRATION. AS USED IN THIS SUBDIVISION, "MISDEMEANOR LISTED
13 OFFENSE" MEANS A LISTED OFFENSE THAT IS ANY OF THE FOLLOWING:

14 (i) A VIOLATION OF SECTION 145A, 145C(4), 167(1)(F), OR 448
15 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.145A, 750.145C,
16 750.167, AND 750.448.

17 (ii) A VIOLATION OF SECTION 335A OF THE MICHIGAN PENAL CODE,
18 1931 PA 328, MCL 750.335A, OTHER THAN A VIOLATION COMMITTED BY A
19 PERSON WHO WAS, AT THE TIME OF THE OFFENSE, A SEXUALLY DELINQUENT
20 PERSON AS DEFINED IN SECTION 10A OF THE MICHIGAN PENAL CODE, 1931
21 PA 328, MCL 750.10A.

22 (iii) A VIOLATION OF A LOCAL ORDINANCE OF A MUNICIPALITY
23 SUBSTANTIALLY CORRESPONDING TO A SECTION DESCRIBED IN SUBPARA-
24 GRAPH (i) OR (ii).

25 (iv) A VIOLATION OF A LAW OF THIS STATE OR A LOCAL ORDINANCE
26 OF A MUNICIPALITY THAT BY ITS NATURE CONSTITUTES A SEXUAL OFFENSE
27 AGAINST AN INDIVIDUAL WHO IS LESS THAN 18 YEARS OF AGE IF THE

1 VIOLATION IS NOT SPECIFICALLY DESIGNATED A FELONY AND IS
2 PUNISHABLE BY IMPRISONMENT FOR 1 YEAR OR LESS.

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

5 (vi) AN OFFENSE SUBSTANTIALLY SIMILAR TO AN OFFENSE
6 DESCRIBED IN SUBPARAGRAPHS (i) TO (v) UNDER A LAW OF THE UNITED
7 STATES, ANY STATE, OR ANY COUNTRY OR UNDER TRIBAL OR MILITARY
8 LAW.

9 (B) IF THE PERSON IS REGISTERED FOR 1 OR MORE FELONY LISTED
10 OFFENSES, NOT EARLIER THAN THE FIRST DAY OR LATER THAN THE FIF-
11 TEENTH DAY OF EACH APRIL, JULY, OCTOBER, AND JANUARY FOLLOWING
12 INITIAL VERIFICATION OR REGISTRATION. AS USED IN THIS SUBDIVI-
13 SION, "FELONY LISTED OFFENSE" MEANS A LISTED OFFENSE THAT IS ANY
14 OF THE FOLLOWING:

15 (i) A VIOLATION OF SECTION 145B, 145C(2) OR (3), 349, 350,
16 455, 520B, 520C, 520D, 520E, OR 520G OF THE MICHIGAN PENAL CODE,
17 1931 PA 328, MCL 750.145B, 750.145C, 750.349, 750.350, 750.455,
18 750.520B, 750.520C, 750.520D, 750.520E, AND 750.520G.

19 (ii) A VIOLATION OF SECTION 335A OF THE MICHIGAN PENAL CODE,
20 1931 PA 328, MCL 750.335A, COMMITTED BY A PERSON WHO WAS, AT THE
21 TIME OF THE OFFENSE, A SEXUALLY DELINQUENT PERSON AS DEFINED IN
22 SECTION 10A OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
23 750.10A.

24 (iii) A VIOLATION OF A LAW OF THIS STATE THAT BY ITS NATURE
25 CONSTITUTES A SEXUAL OFFENSE AGAINST AN INDIVIDUAL WHO IS LESS
26 THAN 18 YEARS OF AGE IF THE VIOLATION IS SPECIFICALLY DESIGNATED
27 A FELONY OR IS PUNISHABLE BY IMPRISONMENT FOR MORE THAN 1 YEAR.

1 (iv) AN ATTEMPT OR CONSPIRACY TO COMMIT AN OFFENSE DESCRIBED
2 IN SUBPARAGRAPHS (i) TO (iii).

3 (v) AN OFFENSE SUBSTANTIALLY SIMILAR TO AN OFFENSE DESCRIBED
4 IN SUBPARAGRAPHS (i) TO (iv) UNDER A LAW OF THE UNITED STATES,
5 ANY STATE, OR ANY COUNTRY OR UNDER TRIBAL OR MILITARY LAW.

6 (5) WHEN AN INDIVIDUAL REPORTS UNDER SUBSECTION (3) OR (4),
7 AN OFFICER OR AUTHORIZED EMPLOYEE OF THE LAW ENFORCEMENT AGENCY,
8 SHERIFF'S DEPARTMENT, OR DEPARTMENT POST SHALL VERIFY THE
9 INDIVIDUAL'S RESIDENCE OR DOMICILE. THE OFFICER OR AUTHORIZED
10 EMPLOYEE SHALL SIGN AND DATE A VERIFICATION FORM. THE OFFICER
11 SHALL GIVE A COPY OF THE SIGNED FORM SHOWING THE DATE OF VERIFI-
12 CATION TO THE INDIVIDUAL. THE OFFICER OR EMPLOYEE SHALL FORWARD
13 VERIFICATION INFORMATION TO THE DEPARTMENT BY THE LAW ENFORCEMENT
14 INFORMATION NETWORK IN THE MANNER THE DEPARTMENT PRESCRIBES. THE
15 DEPARTMENT SHALL REVISE THE DATA BASES MAINTAINED UNDER SECTION 8
16 AS NECESSARY AND SHALL INDICATE VERIFICATION IN THE COMPILATION
17 UNDER SECTION 8(2).

18 (6) AN INDIVIDUAL REQUIRED TO BE REGISTERED UNDER THIS ACT
19 SHALL MAINTAIN EITHER A VALID OPERATOR'S OR CHAUFFEUR'S LICENSE
20 ISSUED UNDER THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.1 TO
21 257.923, OR AN OFFICIAL STATE PERSONAL IDENTIFICATION CARD ISSUED
22 UNDER 1972 PA 222, MCL 28.291 TO 28.300, WITH THE INDIVIDUAL'S
23 CURRENT ADDRESS. THE LICENSE OR CARD MAY BE USED AS PROOF OF
24 DOMICILE OR RESIDENCE UNDER THIS SECTION. IN ADDITION, THE OFFI-
25 CER OR AUTHORIZED EMPLOYEE MAY REQUIRE THE INDIVIDUAL TO PRODUCE
26 ANOTHER DOCUMENT BEARING HIS OR HER NAME AND ADDRESS, INCLUDING
27 BUT NOT LIMITED TO VOTER REGISTRATION OR A UTILITY OR OTHER

1 BILL. THE DEPARTMENT MAY SPECIFY OTHER SATISFACTORY PROOF OF
2 DOMICILE OR RESIDENCE.

3 (7) NOT EARLIER THAN JANUARY 1, 2000 OR LATER THAN JANUARY
4 15, 2000, AN INDIVIDUAL REGISTERED UNDER THIS ACT WHO IS NOT
5 INCARCERATED SHALL REPORT IN PERSON TO A SECRETARY OF STATE
6 OFFICE AND HAVE HIS OR HER DIGITIZED PHOTOGRAPH TAKEN. AN INDI-
7 VIDUAL REGISTERED UNDER THIS ACT WHO IS INCARCERATED ON JANUARY
8 15, 2000 SHALL REPORT UNDER THIS SUBSECTION NOT LESS THAN 10 DAYS
9 AFTER HE OR SHE IS RELEASED. THE INDIVIDUAL IS NOT REQUIRED TO
10 REPORT UNDER THIS SUBSECTION IF HE OR SHE HAD A DIGITIZED PHOTO-
11 GRAPH TAKEN FOR AN OPERATOR'S OR CHAUFFEUR'S LICENSE OR OFFICIAL
12 STATE PERSONAL IDENTIFICATION CARD BEFORE JANUARY 1, 2000, OR
13 WITHIN 2 YEARS BEFORE HE OR SHE IS RELEASED. THE PHOTOGRAPH
14 SHALL BE USED ON THE INDIVIDUAL'S OPERATOR'S OR CHAUFFEUR'S
15 LICENSE OR OFFICIAL STATE PERSONAL IDENTIFICATION CARD. THE
16 INDIVIDUAL SHALL HAVE A NEW PHOTOGRAPH TAKEN WHEN HE OR SHE
17 RENEWS THE LICENSE OR IDENTIFICATION CARD AS PROVIDED BY LAW.
18 THE SECRETARY OF STATE SHALL MAKE THE DIGITIZED PHOTOGRAPH AVAIL-
19 ABLE TO THE DEPARTMENT FOR A REGISTRATION UNDER THIS ACT.

20 (8) IF AN INDIVIDUAL DOES NOT REPORT UNDER SUBSECTION (3) OR
21 (4), THE DEPARTMENT SHALL NOTIFY THE LOCAL LAW ENFORCEMENT
22 AGENCY. AN APPEARANCE TICKET MAY BE ISSUED FOR THE INDIVIDUAL'S
23 FAILURE TO REPORT AS PROVIDED IN SECTIONS 9A TO 9G OF CHAPTER IV
24 OF THE CODE OF CRIMINAL PROCEDURE, 1927 PA 175, MCL 764.9A TO
25 764.9G.

26 (9) THE DEPARTMENT SHALL PRESCRIBE THE FORM FOR THE NOTICES
27 AND VERIFICATION PROCEDURES REQUIRED UNDER THIS SECTION.

1 Sec. 7. (1) A registration under this act shall be made on
2 a form provided by the department and shall be forwarded to the
3 department in the format the department prescribes. A registra-
4 tion shall contain all of the following:

5 (a) The individual's name, social security number, date of
6 birth, and address or expected address. ~~An individual regis-~~
7 ~~tered under this act before the effective date of the 1996 amen-~~
8 ~~datory act that amended this section shall provide the department~~
9 ~~with his or her date of birth upon the department's request.~~ AN
10 INDIVIDUAL WHO IS IN A WITNESS PROTECTION AND RELOCATION PROGRAM
11 IS ONLY REQUIRED TO USE THE NAME AND IDENTIFYING INFORMATION
12 REFLECTING HIS OR HER NEW IDENTITY IN A REGISTRATION UNDER THIS
13 ACT. THE REGISTRATION AND COMPILATION DATABASES SHALL NOT CON-
14 TAIN ANY INFORMATION IDENTIFYING THE INDIVIDUAL'S PRIOR IDENTITY
15 OR LOCALE. THE DEPARTMENT SHALL REQUEST EACH INDIVIDUAL TO PRO-
16 VIDE HIS OR HER DATE OF BIRTH IF IT IS NOT INCLUDED IN THE REGIS-
17 TRATION, AND THAT INDIVIDUAL SHALL COMPLY WITH THE REQUEST WITHIN
18 10 DAYS.

19 (b) A brief summary of the individual's convictions for
20 listed offenses REGARDLESS OF WHEN THE CONVICTION OCCURRED,
21 including where the offense occurred and the original charge if
22 the conviction was for a lesser offense.

23 (c) A complete physical description of the individual.

24 (d) THE PHOTOGRAPH REQUIRED UNDER SECTION 5A.

25 (e) THE INDIVIDUAL'S FINGERPRINTS IF NOT ALREADY ON FILE
26 WITH THE DEPARTMENT. AN INDIVIDUAL REQUIRED TO BE REGISTERED ON
27 SEPTEMBER 1, 1999 SHALL HAVE HIS OR HER FINGERPRINTS TAKEN NOT

1 LATER THAN SEPTEMBER 12, 1999 IF NOT ALREADY ON FILE WITH THE
2 DEPARTMENT. THE DEPARTMENT SHALL FORWARD A COPY OF THE
3 INDIVIDUAL'S FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION
4 IF NOT ALREADY ON FILE WITH THAT BUREAU.

5 (2) A registration may contain the ~~following:~~ ~~(a) The~~
6 individual's blood type and whether a DNA identification profile
7 of the individual is available.

8 ~~(b) A recent photograph of the individual.~~

9 (3) The form used for registration OR VERIFICATION under
10 this act shall contain a written statement that explains the duty
11 of the individual being registered to provide notice of a change
12 of address under section 5, ~~and~~ the procedures for providing
13 that notice, AND THE VERIFICATION PROCEDURES UNDER SECTION 5A.

14 (4) The individual ~~may~~ SHALL sign ~~the~~ A registration,
15 ~~or~~ notice, AND VERIFICATION. HOWEVER, THE REGISTRATION,
16 NOTICE, OR VERIFICATION SHALL BE FORWARDED TO THE DEPARTMENT
17 REGARDLESS OF WHETHER THE INDIVIDUAL SIGNS IT.

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

21 (6) An individual shall not knowingly provide false or mis-
22 leading information concerning a registration, ~~or~~ notice, OR
23 VERIFICATION.

24 (7) The department shall prescribe the form for a notifica-
25 tion required under section 5 and the format for forwarding the
26 notification to the department.

1 (8) THE DEPARTMENT SHALL PROMPTLY PROVIDE REGISTRATION,
2 NOTICE, AND VERIFICATION INFORMATION TO THE FEDERAL BUREAU OF
3 INVESTIGATION AND TO LOCAL LAW ENFORCEMENT AGENCIES AND AGENCIES
4 OF OTHER STATES REQUIRING THE INFORMATION, AS PROVIDED BY LAW.

5 Sec. 9. (1) ~~An~~ EXCEPT AS PROVIDED IN SUBSECTIONS (2) AND
6 (3), AN individual required to be registered under this act who
7 willfully violates this act is guilty of a felony punishable AS
8 FOLLOWS:

9 (A) IF THE INDIVIDUAL HAS NO PRIOR CONVICTIONS FOR A VIOLA-
10 TION OF THIS ACT, OTHER THAN A FAILURE TO COMPLY WITH SECTION 5A,
11 by imprisonment for not more than 4 years or a fine of not more
12 than \$2,000.00, or both.

13 (B) IF THE INDIVIDUAL HAS 1 PRIOR CONVICTION FOR A VIOLATION
14 OF THIS ACT, OTHER THAN A FAILURE TO COMPLY WITH SECTION 5A, BY
15 IMPRISONMENT FOR NOT MORE THAN 7 YEARS OR A FINE OF NOT MORE THAN
16 \$5,000.00, OR BOTH.

17 (C) IF THE INDIVIDUAL HAS 2 OR MORE PRIOR CONVICTIONS FOR
18 VIOLATIONS OF THIS ACT, OTHER THAN A FAILURE TO COMPLY WITH SEC-
19 TION 5A, BY IMPRISONMENT FOR NOT MORE THAN 10 YEARS OR A FINE OF
20 NOT MORE THAN \$10,000.00, OR BOTH.

21 (2) AN INDIVIDUAL WHO FAILS TO COMPLY WITH SECTION 5A IS
22 GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE
23 THAN 90 DAYS OR A FINE OF NOT MORE THAN \$500.00, OR BOTH.

24 (3) AN INDIVIDUAL WHO WILLFULLY FAILS TO SIGN A REGISTRA-
25 TION, NOTICE, OR VERIFICATION AS PROVIDED IN SECTION 7(4) IS
26 GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE
27 THAN 93 DAYS OR A FINE OF NOT MORE THAN \$500.00, OR BOTH.

1 (4) ~~-(2)-~~ The court shall revoke the probation of an
2 individual placed on probation who willfully violates this act.

3 (5) ~~-(3)-~~ The court shall revoke the youthful trainee status
4 of an individual assigned to youthful trainee status who will-
5 fully violates this act.

6 (6) ~~-(4)-~~ The parole board shall rescind the parole of an
7 individual released on parole who willfully violates this act.

8 (7) AN INDIVIDUAL'S FAILURE TO REGISTER AS REQUIRED BY THIS
9 ACT OR A VIOLATION OF SECTION 5(1), (3), OR (4) MAY BE PROSECUTED
10 IN THE JURISDICTION OF ANY OF THE FOLLOWING:

11 (A) THE INDIVIDUAL'S LAST REGISTERED ADDRESS OR RESIDENCE.

12 (B) THE INDIVIDUAL'S ACTUAL ADDRESS OR RESIDENCE.

13 (C) WHERE THE INDIVIDUAL WAS ARRESTED FOR THE VIOLATION.

14 Sec. 10. (1) Except as provided in this act, a registration
15 is confidential and shall not be open to inspection except for
16 law enforcement purposes. The registration and all included
17 materials and information are exempt from disclosure ~~pursuant~~
18 ~~to~~ UNDER section 13 of the freedom of information act, ~~Act~~
19 ~~No. 442 of the Public Acts of 1976, being section 15.243 of the~~
20 ~~Michigan Compiled Laws~~ 1976 PA 442, MCL 15.243.

21 (2) A department post, local law enforcement agency, or
22 sheriff's department shall make information from the compilation
23 described in section 8(2) for the zip code areas located in whole
24 or in part within the post's, agency's, or sheriff's department's
25 jurisdiction available for public inspection during regular busi-
26 ness hours. A department post, local law enforcement agency, or

1 sheriff's department is not required to make a copy of the
2 information for a member of the public.

3 (3) The department may make information from the compilation
4 described in section 8(2) available to the public through elec-
5 tronic, computerized, or other accessible means.

6 (4) Except as provided in this act, an individual other than
7 the registrant who knows of a registration under this act and who
8 divulges, uses, or publishes NONPUBLIC information concerning the
9 registration in violation of this act is guilty of a misdemeanor
10 punishable by imprisonment for not more than 90 days or a fine of
11 not more than \$500.00, or both.

12 (5) An individual whose registration is revealed in viola-
13 tion of this act has a civil cause of action against the respon-
14 sible party for treble damages.

15 (6) Subsections (4) and (5) do not apply to the compilation
16 described in section 8(2) or information from that compilation
17 that is provided or made available under section 8(2) or under
18 subsection (2) or (3).

19 Enacting section 1. This amendatory act takes effect
20 September 1, 1999.