

HOUSE BILL No. 5324

October 23, 2001, Introduced by Reps. Sanborn, Patterson, Kowall, Howell, Raczkowski, Ehardt, Basham, Jelinek, Pumford, Mortimer, Stewart, Switalski, Birkholz, Toy, Richardville, Tabor, Vander Veen, DeVuyst, Stamas, Jansen and O'Neil and referred to the Committee on Criminal Justice.

A bill to amend 1994 PA 295, entitled "Sex offenders registration act," by amending sections 4 and 6 (MCL 28.724 and 28.726), section 4 as amended by 1999 PA 85 and section 6 as amended by 1996 PA 494.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

3 (2) For an individual convicted of a listed offense on or
4 before October 1, 1995 who on or before October 1, 1995 ~~is~~ WAS
5 sentenced for that offense, ~~has~~ HAD a disposition entered for
6 that offense, or ~~is~~ WAS assigned to youthful trainee status for
7 that offense, the following shall ~~register~~ HAVE REGISTERED the
8 individual by December 31, 1995:

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (c) If the individual is under the jurisdiction of the
16 department of corrections on September 1, 1999 for the listed
17 offense, the department of corrections not later than November
18 30, 1999.

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

25 (e) If the individual is sentenced or assigned to youthful
26 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) Subject to section ~~3(1) and (2)~~ 3, an individual con-
13 victed of a listed offense in this state after October 1, 1995
14 shall register before sentencing, entry of the order of dispo-
15 sition, or assignment to youthful trainee status. The probation
16 officer or the family division of circuit court shall give the
17 individual the registration form after the individual is con-
18 victed, explain the duty to register, INFORM THE INDIVIDUAL OF
19 THE REQUIREMENT THAT REGISTRATION UNDER THIS ACT FOR CONVICTION
20 OF 1 OR MORE OF THE LISTED OFFENSES CONTAINED IN SECTION 2(D)(i),
21 (ix) IF THE VICTIM WAS LESS THAN 16 YEARS OF AGE, (x), OR (xi)
22 WILL BE PLACED ON THE INDIVIDUAL'S DRIVER LICENSE AS PRESCRIBED
23 UNDER SECTION 310 OF THE MICHIGAN VEHICLE CODE, 1949 PA 300,
24 MCL 257.310, verify his or her address, and provide notice of
25 address changes, and accept the completed registration for pro-
26 cessing under section 6. The court shall not impose sentence,
27 enter the order of disposition, or assign the individual to

1 youthful trainee status until it determines that the individual's
2 registration was forwarded to the department as required under
3 section 6.

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

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

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

15 (c) An individual required to be registered as a sex
16 offender in another state or country regardless of when the con-
17 viction was entered.

18 Sec. 6. (1) The officer, court, or agency registering an
19 individual or receiving or accepting a registration under section
20 4 or receiving notice under section 5(1) shall provide the indi-
21 vidual with a copy of the registration or notification at the
22 time of registration or notice.

23 (2) The officer, court, or agency registering an individual
24 or receiving or accepting a registration under section 4 or noti-
25 fied of an address change under section 5(1) shall forward the
26 registration or notification to the department by the law

1 enforcement information network AND THE SECRETARY OF STATE within
2 3 business days after registration or notification.

3 Enacting section 1. This amendatory act does not take
4 effect unless Senate Bill No. _____ or House Bill No. 5325
5 (request no. 04888'01 *) of the 91st Legislature is enacted into
6 law.