

SENATE BILL No. 1275

May 7, 2002, Introduced by Senators HAMMERSTROM, MC COTTER, STILLE, DINGELL, GOSCHKA, BULLARD, SIKKEMA, STEIL, YOUNG and BYRUM 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, 5, 5a, 7, 8, 9, and 10 (MCL 28.722, 28.725, 28.725a, 28.727, 28.728, 28.729, and 28.730), sections 2, 5, 7, 8, 9, and 10 as amended and section 5a as added by 1999 PA 85, and by adding section 4a.

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 any 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 under 1965
7 PA 213, MCL 780.621 to 780.624.

1 (ii) Being assigned to youthful trainee status under
2 sections 11 to 15 of chapter II of the code of criminal
3 procedure, 1927 PA 175, MCL ~~762.12~~ 762.11 to 762.15.

4 (iii) Having an order of disposition entered under section
5 18 of chapter XIIIA of THE PROBATE CODE OF 1939, 1939 PA 288,
6 MCL 712A.18, that is open to the general public under section 28
7 OF chapter XIIIA of THE PROBATE CODE OF 1939, 1939 PA 288,
8 MCL 712A.28.

9 (iv) Having an order of disposition or other adjudication in
10 a juvenile matter in another state or country.

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

12 (C) "INSTITUTION OF HIGHER EDUCATION" MEANS 1 OR MORE OF THE
13 FOLLOWING:

14 (i) A PUBLIC OR PRIVATE COMMUNITY COLLEGE, COLLEGE, OR
15 UNIVERSITY.

16 (ii) A PUBLIC OR PRIVATE TRADE, VOCATIONAL, OR OCCUPATIONAL
17 SCHOOL.

18 (D) ~~(c)~~ "Local law enforcement agency" means the police
19 department of a municipality.

20 (E) ~~(d)~~ "Listed offense" means any of the following:

21 (i) A violation of section 145a, 145b, or 145c of the
22 Michigan penal code, 1931 PA 328, MCL 750.145a, 750.145b, and
23 750.145c.

24 (ii) A violation of section 158 of the Michigan penal code,
25 1931 PA 328, MCL 750.158, if a victim is an individual less than
26 18 years of age.

1 (iii) A third or subsequent violation of any combination of
2 the following:

3 (A) Section 167(1)(f) of the Michigan penal code, 1931
4 PA 328, MCL 750.167.

5 (B) Section 335a of the Michigan penal code, 1931 PA 328,
6 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) Except for a juvenile disposition or adjudication, a
10 violation of section 338, 338a, or 338b of the Michigan penal
11 code, 1931 PA 328, MCL 750.338, 750.338a, and 750.338b, if a
12 victim is an individual less than 18 years of age.

13 (v) A violation of section 349 of the Michigan penal code,
14 1931 PA 328, MCL 750.349, if a victim is an individual less than
15 18 years of age.

16 (vi) A violation of section 350 of the Michigan penal code,
17 1931 PA 328, MCL 750.350.

18 (vii) A violation of section 448 of the Michigan penal code,
19 1931 PA 328, MCL 750.448, if a victim is an individual less than
20 18 years of age.

21 (viii) A violation of section 455 of the Michigan penal
22 code, 1931 PA 328, MCL 750.455.

23 (ix) A violation of section 520b, 520c, 520d, 520e, or 520g
24 of the Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520c,
25 750.520d, 750.520e, and 750.520g.

26 (x) Any other violation of a law of this state or a local
27 ordinance of a municipality that by its nature constitutes a

1 sexual offense against an individual who is less than 18 years of
2 age.

3 (xi) An offense committed by a person who was, at the time
4 of the offense, a sexually delinquent person as defined in sec-
5 tion 10a of the Michigan penal code, 1931 PA 328, MCL 750.10a.

6 (xii) An attempt or conspiracy to commit an offense
7 described in subparagraphs (i) to (xi).

8 (xiii) An offense substantially similar to an offense
9 described in subparagraphs (i) to (xii) under a law of the United
10 States, any state, or any country or under tribal or military
11 law.

12 (F) ~~(e)~~ "Municipality" means a city, village, or township
13 of this state.

14 (G) ~~(f)~~ "Residence", as used in this act, for registration
15 and voting purposes means that place at which a person habitually
16 sleeps, keeps his or her personal effects, and has a regular
17 place of lodging. If a person has more than 1 residence, or if a
18 wife has a residence separate from that of the husband, that
19 place at which the person resides the greater part of the time
20 shall be his or her official residence for the purposes of this
21 act. This section shall not be construed to affect existing
22 judicial interpretation of the term residence.

23 (H) ~~(g)~~ "Student" means an individual enrolled on a full-
24 or part-time basis in a public or private educational institu-
25 tion, including but not limited to a secondary school ~~, trade~~
26 ~~school, professional institution,~~ or institution of higher
27 education.

1 SEC. 4A. (1) AN INDIVIDUAL REQUIRED TO BE REGISTERED UNDER
2 THIS ACT SHALL REPORT HIS OR HER STATUS IN PERSON TO THE LOCAL
3 LAW ENFORCEMENT AGENCY OR DEPARTMENT HAVING JURISDICTION OVER A
4 CAMPUS OF AN INSTITUTION OF HIGHER EDUCATION, OR TO THE SHERIFF'S
5 DEPARTMENT HAVING JURISDICTION OVER THAT CAMPUS, IF ANY OF THE
6 FOLLOWING OCCUR:

7 (A) THE INDIVIDUAL IS OR BECOMES A FULL- OR PART-TIME
8 EMPLOYEE, CONTRACTUAL PROVIDER, OR VOLUNTEER WITH THAT INSTITU-
9 TION OF HIGHER EDUCATION AND HIS OR HER POSITION WILL REQUIRE
10 THAT HE OR SHE BE PRESENT ON THAT CAMPUS FOR 14 OR MORE CONSECU-
11 TIVE DAYS OR 30 OR MORE TOTAL DAYS IN A CALENDAR YEAR.

12 (B) THE INDIVIDUAL IS OR BECOMES AN EMPLOYEE OF A CONTRAC-
13 TUAL PROVIDER DESCRIBED IN SUBDIVISION (A) AND HIS OR HER POSI-
14 TION WILL REQUIRE THAT HE OR SHE BE PRESENT ON THAT CAMPUS FOR 14
15 OR MORE CONSECUTIVE DAYS OR 30 OR MORE TOTAL DAYS IN A CALENDAR
16 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
20 AN EMPLOYEE, A CONTRACTUAL PROVIDER, AN EMPLOYEE OF A CONTRACTUAL
21 PROVIDER, OR A VOLUNTEER AS DESCRIBED IN SUBDIVISION (A) OR (B).

22 (E) THE INDIVIDUAL IS OR ENROLLS AS A STUDENT WITH THAT
23 INSTITUTION OF HIGHER EDUCATION AND HIS OR HER STATUS AS A STU-
24 DENT WILL REQUIRE THAT HE OR SHE BE PRESENT ON THAT CAMPUS FOR 14
25 OR MORE CONSECUTIVE DAYS OR 30 OR MORE TOTAL DAYS IN A CALENDAR
26 YEAR, OR THE INDIVIDUAL DISCONTINUES THAT ENROLLMENT.

1 (F) AS PART OF HIS OR HER COURSE OF STUDIES AT AN
2 INSTITUTION OF HIGHER EDUCATION IN THIS STATE, THE INDIVIDUAL IS
3 PRESENT AT ANY OTHER LOCATION IN THIS STATE, ANOTHER STATE, A
4 TERRITORY OR POSSESSION OF THE UNITED STATES, OR ANOTHER COUNTRY
5 FOR 14 OR MORE CONSECUTIVE DAYS OR 30 OR MORE TOTAL DAYS IN A
6 CALENDAR YEAR, OR THE INDIVIDUAL DISCONTINUES HIS OR HER STUDIES
7 AT THAT LOCATION.

8 (2) THE REPORT REQUIRED UNDER SUBSECTION (1) SHALL BE MADE
9 AS FOLLOWS:

10 (A) FOR AN INDIVIDUAL REGISTERED UNDER THIS ACT BEFORE THE
11 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION AND
12 WHO IS REQUIRED TO MAKE HIS OR HER FIRST REPORT UNDER SUBSECTION
13 (1), NOT LATER THAN JANUARY 15, 2003.

14 (B) FOR AN INDIVIDUAL WHO IS AN EMPLOYEE, A CONTRACTUAL PRO-
15 VIDER, AN EMPLOYEE OF A CONTRACTUAL PROVIDER, OR A VOLUNTEER ON
16 THAT CAMPUS ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
17 ADDED THIS SECTION, OR WHO IS A STUDENT ON THAT CAMPUS ON THE
18 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, WHO
19 IS SUBSEQUENTLY REQUIRED TO REGISTER UNDER THIS ACT, ON THE DATE
20 HE OR SHE IS REQUIRED TO REGISTER UNDER THIS ACT.

21 (C) EXCEPT AS PROVIDED UNDER SUBDIVISIONS (A) AND (B),
22 WITHIN 10 DAYS AFTER THE INDIVIDUAL BECOMES AN EMPLOYEE, A CON-
23 TRACTUAL PROVIDER, AN EMPLOYEE OF A CONTRACTUAL PROVIDER, OR A
24 VOLUNTEER ON THAT CAMPUS, OR DISCONTINUES THAT STATUS, OR CHANGES
25 LOCATION, OR WITHIN 10 DAYS AFTER HE OR SHE ENROLLS OR DISCONTIN-
26 UES HIS OR HER ENROLLMENT AS A STUDENT ON THAT CAMPUS INCLUDING

1 STUDY IN THIS STATE OR ANOTHER STATE, A TERRITORY OR POSSESSION
2 OF THE UNITED STATES, OR ANOTHER COUNTRY.

3 (3) THE ADDITIONAL REGISTRATION REPORTS REQUIRED UNDER THIS
4 SECTION SHALL BE MADE IN THE TIME PERIODS DESCRIBED IN SECTION
5 5A(4)(A) AND (B) FOR REPORTS UNDER THAT SECTION.

6 (4) THE LAW ENFORCEMENT AGENCY TO WHICH AN INDIVIDUAL
7 REPORTS UNDER THIS SECTION SHALL REQUIRE THE INDIVIDUAL TO
8 PRESENT WRITTEN DOCUMENTATION OF EMPLOYMENT STATUS, CONTRACTUAL
9 RELATIONSHIP, VOLUNTEER STATUS, OR STUDENT STATUS. WRITTEN DOCU-
10 MENTATION UNDER THIS SUBSECTION MAY INCLUDE, BUT NEED NOT BE
11 LIMITED TO, ANY OF THE FOLLOWING:

12 (A) A W-2 FORM, PAY STUB, OR WRITTEN STATEMENT BY AN
13 EMPLOYER.

14 (B) A CONTRACT.

15 (C) A STUDENT IDENTIFICATION CARD OR STUDENT TRANSCRIPT.

16 Sec. 5. (1) Within 10 days after any of the following
17 occur, an individual required to be registered under this act
18 shall notify the local law enforcement agency or sheriff's
19 department having jurisdiction where his or her new residence or
20 domicile is located or the department of the individual's new
21 residence or domicile:

22 (a) The individual changes his or her residence, domicile,
23 or place of work or education, INCLUDING ANY CHANGE REQUIRED TO
24 BE REPORTED UNDER SECTION 4A.

25 (b) The individual is paroled.

26 (c) Final release of the individual from the jurisdiction of
27 the department of corrections.

1 (2) Within 10 days after either of the following occurs, the
2 department of corrections shall notify the local law enforcement
3 agency or sheriff's department having jurisdiction over the area
4 to which the individual is transferred or the department of the
5 transferred residence or domicile of an individual required to be
6 registered under this act:

7 (a) The individual is transferred to a community residential
8 program.

9 (b) The individual is transferred into a minimum custody
10 correctional facility of any kind, including a correctional camp
11 or work camp.

12 (3) An individual required to be registered under this act
13 shall notify the department on a form prescribed by the depart-
14 ment not later than 10 days before he or she changes his or her
15 domicile or residence to another state. The individual shall
16 indicate the new state and, if known, the new address. The
17 department shall update the registration and compilation data-
18 bases and promptly notify the appropriate law enforcement agency
19 and any applicable sex or child offender registration authority
20 in the new state.

21 (4) If the probation or parole of an individual required to
22 be registered under this act is transferred to another state or
23 an individual required to be registered under this act is trans-
24 ferred from a state correctional facility to any correctional
25 facility or probation or parole in another state, the department
26 of corrections shall promptly notify the department and the
27 appropriate law enforcement agency and any applicable sex or

1 child offender registration authority in the new state. The
2 department shall update the registration and compilation
3 databases.

4 (5) An individual registered under this act shall comply
5 with the verification procedures and proof of residence proce-
6 dures prescribed in ~~section~~ SECTIONS 4A AND 5a.

7 (6) Except as provided in subsection (7), an individual
8 shall comply with this section for 25 years after the date of
9 initially registering or, if the individual is in a state correc-
10 tional facility, for 10 years after release from the state cor-
11 rectional facility, whichever is longer.

12 (7) An individual shall comply with this section for life if
13 the individual is convicted of any of the following or a substan-
14 tially similar offense under a law of the United States, any
15 state, or any country or under tribal or military law:

16 (a) A violation of section 520b of the Michigan penal code,
17 1931 PA 328, MCL 750.520b.

18 (b) A violation of section 520c(1)(a) of the Michigan penal
19 code, 1931 PA 328, MCL 750.520c.

20 (c) A violation of section 349 of the Michigan penal code,
21 1931 PA 328, MCL 750.349, if the victim is less than 18 years of
22 age.

23 (d) A violation of section 350 of the Michigan penal code,
24 1931 PA 328, MCL 750.350.

25 (e) A violation of section 145c(2) or (3) of the Michigan
26 penal code, 1931 PA 328, MCL 750.145c.

1 (f) An attempt or conspiracy to commit an offense described
2 in subdivisions (a) to (e).

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

12 Sec. 5a. (1) Not later than September 1, 1999, the depart-
13 ment shall mail a notice to each individual registered under this
14 act who is not in a state correctional facility explaining the
15 individual's duties under this section and this act as amended
16 and the procedure for registration, notification, and
17 verification.

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

1 (3) Not later than January 15, 2000, an individual
2 registered under this act who is not incarcerated shall report in
3 person to the local law enforcement agency or sheriff's depart-
4 ment having jurisdiction where he or she is domiciled or resides
5 or to the department post in or nearest to the county where he or
6 she is domiciled or resides. The individual shall present proof
7 of domicile or residence and update any information that changed
8 since registration, INCLUDING INFORMATION THAT IS REQUIRED TO BE
9 REPORTED UNDER SECTION 4A. An individual registered under this
10 act who is incarcerated on January 15, 2000 shall report under
11 this subsection not less than 10 days after he or she is
12 released.

13 (4) Following initial verification under subsection (3), or
14 registration under this act after January 15, 2000, an individual
15 required to be registered under this act who is not incarcerated
16 shall report in person to the local law enforcement agency or
17 sheriff's department having jurisdiction where he or she is domi-
18 ciled or resides or to the department post in or nearest to the
19 county where he or she is domiciled or resides for verification
20 of domicile or residence as follows:

21 (a) If the person is registered only for 1 or more misde-
22 meanor listed offenses, not earlier than January 1 or later than
23 January 15 of each year after the initial verification or
24 registration. As used in this subdivision, "misdemeanor listed
25 offense" means a listed offense that is any of the following:

1 (i) A violation of section 145a, 145c(4), 167(1)(f), or 448
2 of the Michigan penal code, 1931 PA 328, MCL 750.145a, 750.145c,
3 750.167, and 750.448.

4 (ii) A violation of section 335a of the Michigan penal code,
5 1931 PA 328, MCL 750.335a, other than a violation committed by a
6 person who was, at the time of the offense, a sexually delinquent
7 person as defined in section 10a of the Michigan penal code, 1931
8 PA 328, MCL 750.10a.

9 (iii) A violation of a local ordinance of a municipality
10 substantially corresponding to a section described in subpara-
11 graph (i) or (ii).

12 (iv) A violation of a law of this state or a local ordinance
13 of a municipality that by its nature constitutes a sexual offense
14 against an individual who is less than 18 years of age if the
15 violation is not specifically designated a felony and is punish-
16 able by imprisonment for 1 year or less.

17 (v) An attempt or conspiracy to commit an offense described
18 in subparagraphs (i) to (iv).

19 (vi) An offense substantially similar to an offense
20 described in subparagraphs (i) to (v) under a law of the United
21 States, any state, or any country or under tribal or military
22 law.

23 (b) If the person is registered for 1 or more felony listed
24 offenses, not earlier than the first day or later than the fif-
25 teenth day of each April, July, October, and January following
26 initial verification or registration. As used in this

1 subdivision, "felony listed offense" means a listed offense that
2 is any of the following:

3 (i) A violation of section 145b, 145c(2) or (3), 349, 350,
4 455, 520b, 520c, 520d, 520e, or 520g of the Michigan penal code,
5 1931 PA 328, MCL 750.145b, 750.145c, 750.349, 750.350, 750.455,
6 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g.

7 (ii) A violation of section 335a of the Michigan penal code,
8 1931 PA 328, MCL 750.335a, committed by a person who was, at the
9 time of the offense, a sexually delinquent person as defined in
10 section 10a of the Michigan penal code, 1931 PA 328,
11 MCL 750.10a.

12 (iii) A violation of a law of this state that by its nature
13 constitutes a sexual offense against an individual who is less
14 than 18 years of age if the violation is specifically designated
15 a felony or is punishable by imprisonment for more than 1 year.

16 (iv) An attempt or conspiracy to commit an offense described
17 in subparagraphs (i) to (iii).

18 (v) An offense substantially similar to an offense described
19 in subparagraphs (i) to (iv) under a law of the United States,
20 any state, or any country or under tribal or military law.

21 (5) When an individual reports under subsection (3) or (4),
22 an officer or authorized employee of the law enforcement agency,
23 sheriff's department, or department post shall verify the
24 individual's residence or domicile AND ANY INFORMATION REQUIRED
25 TO BE REPORTED UNDER SECTION 4A. The officer or authorized
26 employee shall sign and date a verification form. The officer
27 shall give a copy of the signed form showing the date of

1 verification to the individual. The officer or employee shall
2 forward verification information to the department by the law
3 enforcement information network in the manner the department
4 prescribes. The department shall revise the data bases main-
5 tained under section 8 as necessary and shall indicate verifica-
6 tion in the compilation under section 8(2).

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

19 (7) Not earlier than January 1, 2000 or later than January
20 15, 2000, an individual registered under this act who is not
21 incarcerated shall report in person to a secretary of state
22 office and have his or her digitized photograph taken. An indi-
23 vidual registered under this act who is incarcerated on January
24 15, 2000 shall report under this subsection not less than 10 days
25 after he or she is released. The individual is not required to
26 report under this subsection if he or she had a digitized
27 photograph taken for an operator's or chauffeur's license or

1 official state personal identification card before January 1,
2 2000, or within 2 years before he or she is released. The photo-
3 graph shall be used on the individual's operator's or chauffeur's
4 license or official state personal identification card. The
5 individual shall have a new photograph taken when he or she
6 renews the license or identification card as provided by law.
7 The secretary of state shall make the digitized photograph avail-
8 able to the department for a registration under this act.

9 (8) If an individual does not report under subsection (3) or
10 (4) OR SECTION 4A, the department shall notify the local law
11 enforcement agency. An appearance ticket may be issued for the
12 individual's failure to report as provided in sections 9a to 9g
13 of chapter IV of the code of criminal procedure, 1927 PA 175,
14 MCL 764.9a to 764.9g.

15 (9) The department shall prescribe the form for the notices
16 and verification procedures required under this section.

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

21 (a) The individual's name, social security number, date of
22 birth, and address or expected address. An individual who is in
23 a witness protection and relocation program is only required to
24 use the name and identifying information reflecting his or her
25 new identity in a registration under this act. The registration
26 and compilation databases shall not contain any information
27 identifying the individual's prior identity or locale. The

1 department shall request each individual to provide his or her
2 date of birth if it is not included in the registration, and that
3 individual shall comply with the request within 10 days.

4 (b) A brief summary of the individual's convictions for
5 listed offenses regardless of when the conviction occurred,
6 including where the offense occurred and the original charge if
7 the conviction was for a lesser offense.

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

9 (d) The photograph required under section 5a.

10 (e) The individual's fingerprints if not already on file
11 with the department. An individual required to be registered on
12 September 1, 1999 shall have his or her fingerprints taken not
13 later than September 12, 1999 if not already on file with the
14 department. The department shall forward a copy of the
15 individual's fingerprints to the federal bureau of investigation
16 if not already on file with that bureau.

17 (F) INFORMATION THAT IS REQUIRED TO BE REPORTED UNDER SEC-
18 TION 4A.

19 (2) A registration may contain the individual's blood type
20 and whether a DNA identification profile of the individual is
21 available.

22 (3) The form used for registration or verification under
23 this act shall contain a written statement that explains the duty
24 of the individual being registered to provide notice of a change
25 of address under section 5, the procedures for providing that
26 notice, and the verification procedures under section 5a.

1 (4) The individual shall sign a registration, notice, and
2 verification. However, the registration, notice, or verification
3 shall be forwarded to the department regardless of whether the
4 individual signs it.

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

8 (6) An individual shall not knowingly provide false or mis-
9 leading information concerning a registration, notice, or
10 verification.

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

14 (8) The department shall promptly provide registration,
15 notice, and verification information to the federal bureau of
16 investigation and to local law enforcement agencies and agencies
17 of other states requiring the information, as provided by law.

18 Sec. 8. (1) The department shall maintain a computerized
19 data base of registrations and notices required under this act.

20 (2) The department shall maintain a computerized data base
21 separate from that described in subsection (1) to implement
22 section 10(2) and (3). The data base shall consist of a compila-
23 tion of individuals registered under this act, but except as pro-
24 vided in this subsection, shall not include any individual regis-
25 tered solely because he or she had 1 or more dispositions for a
26 listed offense entered under section 18 of chapter XIIIA of the
27 probate code of 1939, 1939 PA 288, MCL 712A.18, in a case that

1 was not designated as a case in which the individual was to be
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. The
4 exclusion for juvenile dispositions does not apply to a disposi-
5 tion for a violation of section 520b or 520c of the Michigan
6 penal code, 1931 PA 328, MCL 750.520b and 750.520c, after the
7 individual becomes 18 years of age.

8 (3) The compilation of individuals shall be indexed numeri-
9 cally by zip code area. Within each zip code area, the compila-
10 tion shall contain ~~the~~ ALL OF THE FOLLOWING INFORMATION:

11 (A) THE name and aliases, address, physical description, and
12 birth date of each individual registered under this act who is
13 included in the compilation and who resides in that zip code area
14 and any listed offense of which the individual has been
15 convicted.

16 (B) THE NAME AND CAMPUS LOCATION OF EACH INSTITUTION OF
17 HIGHER EDUCATION TO WHICH THE INDIVIDUAL IS REQUIRED TO REPORT
18 UNDER SECTION 4A.

19 (4) The department shall update the compilation with new
20 registrations, deletions from registrations, and address changes
21 at the same time those changes are made to the data base
22 described in subsection (1). The department shall make the com-
23 pilation available to each department post, local law enforcement
24 agency, and sheriff's department by the law enforcement informa-
25 tion network. Upon request by a department post, local law
26 enforcement agency, or sheriff's department, the department shall
27 provide to that post, agency, or sheriff's department the

1 information from the compilation in printed form for the zip code
2 areas located in whole or in part within the post's, agency's, or
3 sheriff's department's jurisdiction. THE DEPARTMENT SHALL PRO-
4 VIDE THE ABILITY TO CONDUCT A COMPUTERIZED SEARCH OF THE COMPILA-
5 TION BASED UPON THE NAME AND CAMPUS LOCATION OF AN INSTITUTION OF
6 HIGHER EDUCATION DESCRIBED IN SUBSECTION (3)(B).

7 (5) The department shall make the compilation or information
8 from the compilation available to a department post, local law
9 enforcement agency, sheriff's department, and the public by elec-
10 tronic, computerized, or other similar means accessible to the
11 post, agency, or sheriff's department. The electronic, computer-
12 ized, or other similar means shall provide for both a search by
13 name and by zip code.

14 (6) ~~-(3)-~~ If a court determines that the public availability
15 under section 10 of any information concerning individuals regis-
16 tered under this act, including names and aliases, addresses,
17 physical descriptions, or dates of birth, violates the constitu-
18 tion of the United States or this state, the department shall
19 revise the compilation in subsection (2) so that it does not con-
20 tain that information.

21 Sec. 9. (1) Except as provided in subsections (2) and (3),
22 an individual required to be registered under this act who will-
23 fully violates this act is guilty of a felony punishable as
24 follows:

25 (a) If the individual has no prior convictions for a viola-
26 tion of this act, other than a failure to comply with section 5a,

1 by imprisonment for not more than 4 years or a fine of not more
2 than \$2,000.00, or both.

3 (b) If the individual has 1 prior conviction for a violation
4 of this act, other than a failure to comply with section 5a, by
5 imprisonment for not more than 7 years or a fine of not more than
6 \$5,000.00, or both.

7 (c) If the individual has 2 or more prior convictions for
8 violations of this act, other than a failure to comply with sec-
9 tion 5a, by imprisonment for not more than 10 years or a fine of
10 not more than \$10,000.00, or both.

11 (2) An individual who fails to comply with section 5a is
12 guilty of a misdemeanor punishable by imprisonment for not more
13 than ~~90~~ 93 days or a fine of not more than ~~\$500.00~~ \$1,000.00,
14 or both.

15 (3) An individual who willfully fails to sign a registra-
16 tion, notice, or verification as provided in section 7(4) is
17 guilty of a misdemeanor punishable by imprisonment for not more
18 than 93 days or a fine of not more than ~~\$500.00~~ \$1,000.00, or
19 both.

20 (4) The court shall revoke the probation of an individual
21 placed on probation who willfully violates this act.

22 (5) The court shall revoke the youthful trainee status of an
23 individual assigned to youthful trainee status who willfully vio-
24 lates this act.

25 (6) The parole board shall rescind the parole of an individ-
26 ual released on parole who willfully violates this act.

1 (7) An individual's failure to register as required by this
2 act or a violation of section 5(1), (3), or (4) may be prosecuted
3 in the judicial district of any of the following:

4 (a) The individual's last registered address or residence.

5 (b) The individual's actual address or residence.

6 (c) Where the individual was arrested for the violation.

7 Sec. 10. (1) Except as provided in this act, a registration
8 OR REPORT UNDER SECTION 4A is confidential and INFORMATION FROM
9 THAT REGISTRATION OR REPORT shall not be open to inspection
10 except for law enforcement purposes. The registration OR REPORT
11 and all included materials and information are exempt from dis-
12 closure under section 13 of the freedom of information act, 1976
13 PA 442, MCL 15.243.

14 (2) A department post, local law enforcement agency, or
15 sheriff's department shall make information from the compilation
16 described in section 8(2) for the zip code areas located in whole
17 or in part within the post's, agency's, or sheriff's department's
18 jurisdiction available for public inspection during regular busi-
19 ness hours. A department post, local law enforcement agency, or
20 sheriff's department is not required to make a copy of the infor-
21 mation for a member of the public.

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

25 (4) Except as provided in this act, an individual other than
26 the registrant who knows of a registration OR REPORT under this
27 act and who divulges, uses, or publishes nonpublic information

1 concerning the registration OR REPORT in violation of this act is
2 guilty of a misdemeanor punishable by imprisonment for not more
3 than ~~90~~ 93 days or a fine of not more than ~~\$500.00~~ \$1,000.00,
4 or both.

5 (5) An individual whose registration OR REPORT is revealed
6 in violation of this act has a civil cause of action against the
7 responsible party for treble damages.

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

12 Enacting section 1. This amendatory act takes effect
13 October 1, 2002.