

SUBSTITUTE FOR
HOUSE BILL NO. 4920

A bill to amend 1994 PA 295, entitled
"Sex offenders registration act,"
by amending sections 2, 3, 4, 5, 5a, 8, and 9 (MCL 28.722,
28.723, 28.724, 28.725, 28.725a, 28.728, and 28.729), sections 2,
5, 5a, 8, and 9 as amended by 2002 PA 542 and sections 3 and 4 as
amended by 1999 PA 85, and by adding sections 8c and 8d.

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.
- 8 ~~(ii) Being assigned to youthful trainee status under~~

1 ~~sections 11 to 15 of chapter II of the code of criminal~~
2 ~~procedure, 1927 PA 175, MCL 762.11 to 762.15.~~

3 (ii) ~~—(iii)—~~ Having an order of disposition entered under
4 section 18 of chapter XIIIA of the probate code of 1939, 1939
5 PA 288, MCL 712A.18, that is open to the general public under
6 section 28 of chapter XIIIA of the probate code of 1939, 1939
7 PA 288, MCL 712A.28.

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

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

11 (c) "Institution of higher education" means 1 or more of the
12 following:

13 (i) A public or private community college, college, or
14 university.

15 (ii) A public or private trade, vocational, or occupational
16 school.

17 (d) "Local law enforcement agency" means the police
18 department of a municipality.

19 (e) "Listed offense" means any of the following:

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

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) A third or subsequent violation of any combination of
27 the following:

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

3 (B) Section 335a of the Michigan penal code, 1931 PA 328,
4 MCL 750.335a.

5 (C) A local ordinance of a municipality substantially
6 corresponding to a section described in sub-subparagraph (A) or
7 (B).

8 (iv) Except for a juvenile disposition or adjudication, a
9 violation of section 338, 338a, or 338b of the Michigan penal
10 code, 1931 PA 328, MCL 750.338, 750.338a, and 750.338b, if a
11 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) A violation of section 455 of the Michigan penal code,
21 1931 PA 328, MCL 750.455.

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

25 (x) Any other violation of a law of this state or a local
26 ordinance of a municipality that by its nature constitutes a
27 sexual offense against an individual who is less than 18 years of

1 age.

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

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

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

11 (f) "Municipality" means a city, village, or township of this
12 state.

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

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

26 Sec. 3. (1) ~~Subject to subsection~~ **Except as otherwise**
27 **provided in subsections (2) to (7)**, the following individuals who

1 are domiciled or temporarily reside in this state for 14 or more
2 consecutive days, who work with or without compensation or are
3 students in this state for 14 or more consecutive days, or who
4 are domiciled, reside, or work with or without compensation or
5 are students in this state for 30 or more total days in a
6 calendar year are required to be registered under this act:

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

9 (b) An individual convicted of a listed offense on or before
10 October 1, 1995 if on October 1, 1995 he or she is on probation
11 or parole, committed to jail, committed to the jurisdiction of
12 the department of corrections, or under the jurisdiction of the
13 juvenile division of the probate court or the department of
14 social services for that offense or is placed on probation or
15 parole, committed to jail, committed to the jurisdiction of the
16 department of corrections, placed under the jurisdiction of the
17 juvenile division of the probate court or family division of
18 circuit court, or committed to the department of social services
19 or family independence agency after October 1, 1995 for that
20 offense.

21 (c) An individual convicted of an offense described in
22 section 2(d)(*xiii*) on or before October 1, 1995 if on October 1,
23 1995 he or she is on probation or parole that has been
24 transferred to this state for that offense or his or her
25 probation or parole is transferred to this state after October 1,
26 1995 for that offense.

27 (d) An individual from another state who is required to

1 register or otherwise be identified as a sex or child offender or
2 predator under a comparable statute of that state.

3 (2) An individual convicted of an offense added on September
4 1, 1999 to the definition of listed offense is not required to be
5 registered solely because of that listed offense unless 1 of the
6 following applies:

7 (a) The individual is convicted of that listed offense on or
8 after September 1, 1999.

9 (b) On September 1, 1999, the individual is on probation or
10 parole, committed to jail, committed to the jurisdiction of the
11 department of corrections, under the jurisdiction of the family
12 division of circuit court, or committed to the family
13 independence agency for that offense or the individual is placed
14 on probation or parole, committed to jail, committed to the
15 jurisdiction of the department of corrections, placed under the
16 jurisdiction of the family division of circuit court, or
17 committed to the family independence agency on or after September
18 1, 1999 for that offense.

19 (c) On September 1, 1999, the individual is on probation or
20 parole for that offense which has been transferred to this state
21 or the individual's probation or parole for that offense is
22 transferred to this state after September 1, 1999.

23 (d) On September 1, 1999, in another state or country the
24 individual is on probation or parole, committed to jail,
25 committed to the jurisdiction of the department of corrections or
26 a similar type of state agency, under the jurisdiction of a court
27 that handles matters similar to those handled by the family

1 division of circuit court in this state, or committed to an
2 agency with the same authority as the family independence agency
3 for that offense.

4 (3) An individual convicted as a juvenile on or after January
5 1, 2004 of violating, attempting to violate, or conspiring to
6 violate section 520b(1)(a) or 520c(1)(a) of the Michigan penal
7 code, 1931 PA 328, MCL 750.520b and 750.520c, and who at the time
8 of the violation was under 13 years of age, or who is convicted
9 as a juvenile on or after January 1, 2004 of violating,
10 attempting to violate, or conspiring to violate section 520g of
11 the Michigan penal code, 1931 PA 328, MCL 750.520g, with the
12 intent to commit criminal sexual conduct proscribed under section
13 520b(1)(a) or 520c(1)(a) of the Michigan penal code, 1931 PA 328,
14 MCL 750.520b and 750.520c, and who at the time of the violation
15 was under 13 years of age, is required to register under this act
16 unless ordered exempt from registration under section 8c.

17 (4) An individual convicted as a juvenile on or after January
18 1, 2004 of violating, attempting to violate, or conspiring to
19 violate section 520b(1)(a) or 520c(1)(a) of the Michigan penal
20 code, 1931 PA 328, MCL 750.520b and 750.520c, and who at the time
21 of the violation was not more than 3 years older than the victim,
22 or who is convicted as a juvenile on or after January 1, 2004 of
23 violating, attempting to violate, or conspiring to violate
24 section 520g of the Michigan penal code, 1931 PA 328, MCL
25 750.520g, with the intent to commit criminal sexual conduct
26 proscribed under section 520b(1)(a) or 520c(1)(a) of the Michigan
27 penal code, 1931 PA 328, MCL 750.520b and 750.520c, and who at

1 the time of the violation was not more than 3 years older than
2 the victim, is required to register under this act unless ordered
3 exempt from registration under section 8c.

4 (5) An individual convicted as a juvenile on or after January
5 1, 2004 of violating, attempting to violate, or conspiring to
6 violate section 520d(1)(a) or 520e(1)(a) of the Michigan penal
7 code, 1931 PA 328, MCL 750.520d and 750.520e, or who is convicted
8 as a juvenile on or after January 1, 2004 of violating,
9 attempting to violate, or conspiring to violate section 520g of
10 the Michigan penal code, 1931 PA 328, MCL 750.520g, with the
11 intent to commit criminal sexual conduct proscribed under section
12 520d(1)(a) of the Michigan penal code, 1931 PA 328, MCL 750.520d,
13 is not required to register under this act.

14 (6) An individual convicted of a listed offense on or after
15 January 1, 2004 and assigned to youthful trainee status under
16 sections 11 to 15 of chapter II of the code of criminal
17 procedure, 1927 PA 175, MCL 762.11 to 762.15, is not required to
18 register under this act.

19 (7) An individual ordered exempt from registration under
20 section 8d is not required to register under this act.

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

23 (2) For an individual convicted of a listed offense on or
24 before October 1, 1995 who on or before October 1, 1995 is
25 sentenced for that offense, has a disposition entered for that
26 offense, or is assigned to youthful trainee status for that
27 offense, the following shall register the individual by

1 December 31, 1995:

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

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

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

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

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

16 (3) Except as provided in subsection (4), for an individual
17 convicted of a listed offense on or before October 1, 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
21 individual before sentencing or assignment.

22 (b) If the individual's probation or parole is transferred to
23 this state after October 1, 1995, the probation or parole officer
24 shall register the individual within 14 days after the 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
3 probate court or family division of circuit court shall register
4 the 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
21 independence agency or county juvenile agency on September 1,
22 1999 under an order of disposition for the listed offense, the
23 family division of circuit court, the family independence agency,
24 or the 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
27 probation officer shall register the individual before sentencing

1 or assignment.

2 (f) If the individual's probation or parole for the listed
3 offense is transferred to this state after September 1, 1999, the
4 probation or parole officer shall register the individual within
5 14 days after the transfer.

6 (g) If the individual is placed within the jurisdiction of
7 the family division of circuit court or committed to the family
8 independence agency for the listed offense after September 1,
9 1999, the family division of circuit court shall register the
10 individual before the order of disposition is entered.

11 (5) Subject to section ~~3(1) and (2)~~ **3**, an individual
12 convicted of a listed offense in this state after October 1, 1995
13 shall register before sentencing, entry of the order of
14 disposition, or assignment **before January 1, 2004** to youthful
15 trainee status. The probation officer or the family division of
16 circuit court shall give the individual the registration form
17 after the individual is convicted, explain the duty to register,
18 verify his or her address, and provide notice of address changes,
19 and accept the completed registration for processing under
20 section 6. The court shall not impose sentence, enter the order
21 of disposition, or assign the individual to youthful trainee
22 status **under this subsection** until it determines that the
23 individual's registration was forwarded to the department as
24 required under section 6.

25 (6) All of the following shall register with the local law
26 enforcement agency, sheriff's department, or the department
27 within 14 days after becoming domiciled or temporarily residing,

1 working, or being a student in this state for the periods
2 specified in section 3(1):

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

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

9 (c) An individual required to be registered as a sex offender
10 in another state or country regardless of when the conviction was
11 entered.

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

18 (a) The individual changes his or her residence, domicile, or
19 place of work or education, including any change required to be
20 reported under section 4a.

21 (b) The individual is paroled.

22 (c) Final release of the individual from the jurisdiction of
23 the department of corrections.

24 (2) Within 10 days after either of the following occurs, the
25 department of corrections shall notify the local law enforcement
26 agency or sheriff's department having jurisdiction over the area
27 to which the individual is transferred or the department post of

1 the transferred residence or domicile of an individual required
2 to be registered under this act:

3 (a) The individual is transferred to a community residential
4 program.

5 (b) The individual is transferred into a minimum custody
6 correctional facility of any kind, including a correctional camp
7 or work camp.

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

17 (4) If the probation or parole of an individual required to
18 be registered under this act is transferred to another state or
19 an individual required to be registered under this act is
20 transferred from a state correctional facility to any
21 correctional facility or probation or parole in another state,
22 the department of corrections shall promptly notify the
23 department and the appropriate law enforcement agency and any
24 applicable sex or child offender registration authority in the
25 new state. The department shall update the registration and
26 compilation databases.

27 (5) An individual registered under this act shall comply with

1 the verification procedures and proof of residence procedures
2 prescribed in sections 4a and 5a.

3 (6) Except as provided in ~~subsection~~ **subsections** (7) **and**
4 **(8)**, an individual shall comply with this section for 25 years
5 after the date of initially registering or, if the individual is
6 in a state correctional facility, for 10 years after release from
7 the state correctional facility, whichever is longer.

8 (7) ~~An~~ **Except as provided in subsection (8)**, an individual
9 shall comply with this section for life if the individual is
10 convicted of any of the following or a substantially similar
11 offense under a law of the United States, any state, or any
12 country or under tribal or military law:

13 (a) A violation of section 520b of the Michigan penal code,
14 1931 PA 328, MCL 750.520b.

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

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

20 (d) A violation of section 350 of the Michigan penal code,
21 1931 PA 328, MCL 750.350.

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

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

26 (g) Except as provided in this subdivision, a second or
27 subsequent listed offense after October 1, 1995 regardless of

1 when any earlier listed offense was committed. An individual is
2 not required to comply with this section for life if his or her
3 first or second listed offense is for a conviction on or before
4 September 1, 1999 for an offense that was added on September 1,
5 1999 to the definition of listed offense, unless he or she is
6 convicted of a subsequent listed offense after September 1,
7 1999.

8 (8) An individual convicted as a juvenile on or after January
9 1, 2004 of violating, attempting to violate, or conspiring to
10 violate section 520b(1)(a) or 520c(1)(a) of the Michigan penal
11 code, 1931 PA 328, MCL 750.520b and 750.520c, who at the time of
12 the violation was under 13 years of age, or who is convicted as a
13 juvenile on or after January 1, 2004 of violating, attempting to
14 violate, or conspiring to violate section 520g of the Michigan
15 penal code, 1931 PA 328, MCL 750.520g, with the intent to commit
16 criminal sexual conduct proscribed under section 520b(1)(a) or
17 520c(1)(a) of the Michigan penal code, 1931 PA 328, MCL 750.520b
18 and 750.520c, and who at the time of the violation was under 13
19 years of age, shall comply with this section for 10 years.

20 (9) For purposes of determining whether a violation is a
21 second or subsequent listed offense under subsection (7)(g),
22 "convicted" includes being assigned before January 1, 2004 to
23 youthful trainee status under sections 11 to 15 of chapter II of
24 the code of criminal procedure, 1927 PA 175, MCL 762.11 to
25 762.15.

26 Sec. 5a. (1) Not later than September 1, 1999, the
27 department shall mail a notice to each individual registered

1 under this act who is not in a state correctional facility
2 explaining the individual's duties under this section and this
3 act as amended and the procedure for registration, notification,
4 and verification.

5 (2) Upon the release of an individual registered under this
6 act who is in a state correctional facility, the department of
7 corrections shall provide written notice to that individual
8 explaining his or her duties under this section and this act as
9 amended and the procedure for registration, notification, and
10 verification. The individual shall sign and date the notice.
11 The department of corrections shall maintain a copy of the signed
12 and dated notice in the individual's file. The department of
13 corrections shall forward the original notice to the department
14 within 30 days, regardless of whether the individual signs it.

15 (3) Not later than January 15, 2000, an individual registered
16 under this act who is not incarcerated shall report in person to
17 the local law enforcement agency or sheriff's department having
18 jurisdiction where he or she is domiciled or resides or to the
19 department post in or nearest to the county where he or she is
20 domiciled or resides. The individual shall present proof of
21 domicile or residence and update any information that changed
22 since registration, including information that is required to be
23 reported under section 4a. An individual registered under this
24 act who is incarcerated on January 15, 2000 shall report under
25 this subsection not less than 10 days after he or she is
26 released.

27 (4) ~~Following~~ **Except as provided in subsection (5),**

1 **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
6 domiciled or resides or to the department post in or nearest to
7 the county where he or she is domiciled or resides for
8 verification of domicile or residence as follows:

9 (a) If the person is registered only for 1 or more
10 misdemeanor listed offenses, not earlier than January 1 or later
11 than 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 of the Michigan penal code,
15 1931 PA 328, MCL 750.145a, committed before June 1, 2002.

16 (ii) A violation of section 145c(4), 167(1)(f), or 448 of the
17 Michigan penal code, 1931 PA 328, MCL 750.145c, 750.167, and
18 750.448.

19 (iii) A violation of section 335a of the Michigan penal code,
20 1931 PA 328, MCL 750.335a, other than a violation committed by a
21 person who was, at the time of the offense, a sexually delinquent
22 person as defined in section 10a of the Michigan penal code, 1931
23 PA 328, MCL 750.10a.

24 (iv) A violation of a local ordinance of a municipality
25 substantially corresponding to a section described in
26 subparagraph (i), (ii), or (iii).

27 (v) A violation of a law of this state or a local ordinance

1 of a municipality that by its nature constitutes a sexual offense
2 against an individual who is less than 18 years of age if the
3 violation is not specifically designated a felony and is
4 punishable by imprisonment for 1 year or less.

5 (vi) An attempt or conspiracy to commit an offense described
6 in subparagraphs (i) to (v).

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

11 (b) If the person is registered for 1 or more felony listed
12 offenses, not earlier than the first day or later than the
13 fifteenth day of each April, July, October, and January following
14 initial verification or registration. As used in this
15 subdivision, "felony listed offense" means a listed offense that
16 is any of the following:

17 (i) A violation of section 145a of the Michigan penal code,
18 1931 PA 328, MCL 750.145a, committed on or after June 1, 2002.

19 (ii) A violation of section 145b, 145c(2) or (3), 349, 350,
20 455, 520b, 520c, 520d, 520e, or 520g of the Michigan penal code,
21 1931 PA 328, MCL 750.145b, 750.145c, 750.349, 750.350, 750.455,
22 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g.

23 (iii) A violation of section 335a of the Michigan penal code,
24 1931 PA 328, MCL 750.335a, committed by a person who was, at the
25 time of the offense, a sexually delinquent person as defined in
26 section 10a of the Michigan penal code, 1931 PA 328,
27 MCL 750.10a.

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

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

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

10 **(5) Subsection (4) does not apply to a juvenile registered**
11 **under section 5(8).**

12 **(6) —(5)—** When an individual reports under subsection (3) or
13 (4), an officer or authorized employee of the local law
14 enforcement agency, sheriff's department, or department post
15 shall verify the individual's residence or domicile and any
16 information required to be reported under section 4a. The
17 officer or authorized employee shall sign and date a verification
18 form. The officer shall give a copy of the signed form showing
19 the date of verification to the individual. The officer or
20 employee shall forward verification information to the department
21 by the law enforcement information network in the manner the
22 department prescribes. The department shall revise the ~~data~~
23 ~~bases~~ **databases** maintained under section 8 as necessary and
24 shall indicate verification in the compilation under
25 section 8(2).

26 **(7) —(6)—** An individual required to be registered under this
27 act shall maintain either a valid operator's or chauffeur's

1 license issued under the Michigan vehicle code, 1949 PA 300,
2 MCL 257.1 to 257.923, or an official state personal
3 identification card issued under 1972 PA 222, MCL 28.291 to
4 28.300, with the individual's current address. The license or
5 card may be used as proof of domicile or residence under this
6 section. In addition, the officer or authorized employee may
7 require the individual to produce another document bearing his or
8 her name and address, including but not limited to voter
9 registration or a utility or other bill. The department may
10 specify other satisfactory proof of domicile or residence.

11 **(8)** ~~-(7)-~~ Not earlier than January 1, 2000 or later than
12 January 15, 2000, an individual registered under this act who is
13 not incarcerated shall report in person to a secretary of state
14 office and have his or her digitized photograph taken. An
15 individual registered under this act who is incarcerated on
16 January 15, 2000 shall report under this subsection not less than
17 10 days after he or she is released. The individual is not
18 required to report under this subsection if he or she had a
19 digitized photograph taken for an operator's or chauffeur's
20 license or official state personal identification card before
21 January 1, 2000, or within 2 years before he or she is released.
22 The photograph shall be used on the individual's operator's or
23 chauffeur's license or official state personal identification
24 card. The individual shall have a new photograph taken when he
25 or she renews the license or identification card as provided by
26 law. The secretary of state shall make the digitized photograph
27 available to the department for a registration under this act.

1 **(9)** ~~-(8)-~~ If an individual does not report under subsection
 2 (3) or (4) or section 4a, the department shall notify the local
 3 law enforcement agency, sheriff's department, or department
 4 post. An appearance ticket may be issued for the individual's
 5 failure to report as provided in sections 9a to 9g of chapter IV
 6 of the code of criminal procedure, 1927 PA 175, MCL 764.9a to
 7 764.9g.

8 **(10)** ~~-(9)-~~ The department shall prescribe the form for the
 9 notices and verification procedures required under this section.

10 Sec. 8. (1) The department shall maintain a computerized
 11 ~~data base~~ **database** of registrations and notices required under
 12 this act.

13 (2) The department shall maintain a computerized ~~data base~~
 14 **database** separate from that described in subsection (1) to
 15 implement section 10(2) and (3). ~~The data base~~ **Except as**
 16 **provided in subsection (3), the database** shall consist of a
 17 compilation of individuals registered under this act. ~~, but~~
 18 ~~except as provided in this subsection,~~

19 **(3) The database described in subsection (2) shall not**
 20 include ~~any~~ **the following individuals:**

21 **(a) An** individual registered solely because he or she had 1
 22 or more dispositions for a listed offense entered under
 23 section 18 of chapter XIIA of the probate code of 1939, 1939
 24 PA 288, MCL 712A.18, in a case that was not designated as a case
 25 in which the individual was to be tried in the same manner as an
 26 adult under section 2d of chapter XIIA of the probate code of
 27 1939, 1939 PA 288, MCL 712A.2d. ~~The~~ **Except as provided in**

1 **subdivision (b), the** exclusion for juvenile dispositions does not
2 apply to a disposition for a violation of section 520b or 520c of
3 the Michigan penal code, 1931 PA 328, MCL 750.520b and 750.520c,
4 after the individual becomes 18 years of age.

5 **(b) A juvenile registered under section 5(8).**

6 **(4) —(3)—** The compilation of individuals shall be indexed
7 numerically by zip code area. Within each zip code area, the
8 compilation shall contain all of the following information:

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

14 (b) The name and campus location of each institution of
15 higher education to which the individual is required to report
16 under section 4a.

17 **(5) —(4)—** The department shall update the compilation with
18 new registrations, deletions from registrations, and address
19 changes at the same time those changes are made to the ~~data~~
20 ~~base~~ **database** described in subsection (1). The department shall
21 make the compilation available to each department post, local law
22 enforcement agency, and sheriff's department by the law
23 enforcement information network. Upon request by a department
24 post, local law enforcement agency, or sheriff's department, the
25 department shall provide to that post, agency, or sheriff's
26 department the information from the compilation in printed form
27 for the zip code areas located in whole or in part within the

1 post's, agency's, or sheriff's department's jurisdiction. The
2 department shall provide the ability to conduct a computerized
3 search of the compilation based upon the name and campus location
4 of an institution of higher education described in subsection
5 ~~(3)(b)~~ **(4)(b)**.

6 **(6)** ~~(5)~~ The department shall make the compilation or
7 information from the compilation available to a department post,
8 local law enforcement agency, sheriff's department, and the
9 public by electronic, computerized, or other similar means
10 accessible to the post, agency, or sheriff's department. The
11 electronic, computerized, or other similar means shall provide
12 for both a search by name and by zip code.

13 **(7)** ~~(6)~~ If a court determines that the public availability
14 under section 10 of any information concerning individuals
15 registered under this act, including names and aliases,
16 addresses, physical descriptions, or dates of birth, violates the
17 constitution of the United States or this state, the department
18 shall revise the compilation in subsection (2) so that it does
19 not contain that information.

20 **Sec. 8c. (1) If an individual is convicted as a juvenile on**
21 **or after January 1, 2004 of violating, attempting to violate, or**
22 **conspiring to violate section 520b(1)(a) or 520c(1)(a) of the**
23 **Michigan penal code, 1931 PA 328, MCL 750.520b and 750.520c, and**
24 **the individual was at the time of the violation under 13 years of**
25 **age, or is convicted as a juvenile on or after January 1, 2004 of**
26 **violating, attempting to violate, or conspiring to violate**
27 **section 520g of the Michigan penal code, 1931 PA 328, MCL**

1 750.520g, with the intent to commit criminal sexual conduct
2 proscribed under section 520b(1)(a) or 520c(1)(a) of the Michigan
3 penal code, 1931 PA 328, MCL 750.520b and 750.520c, and the
4 individual was at the time of the violation under 13 years of
5 age, the court may, with the consent of the prosecuting attorney,
6 order the individual exempt from registering under this act as
7 provided in this section.

8 (2) If an individual is convicted as a juvenile on or after
9 January 1, 2004 of violating, attempting to violate, or
10 conspiring to violate section 520b(1)(a) or 520c(1)(a) of the
11 Michigan penal code, 1931 PA 328, MCL 750.520b and 750.520c, and
12 the individual was at the time of the violation not more than 3
13 years older than the victim, or is convicted as a juvenile on or
14 after January 1, 2004 of violating, attempting to violate, or
15 conspiring to violate section 520g of the Michigan penal code,
16 1931 PA 328, MCL 750.520g, with the intent to commit criminal
17 sexual conduct proscribed under section 520b(1)(a) or 520c(1)(a)
18 of the Michigan penal code, 1931 PA 328, MCL 750.520b and
19 750.520c, and the individual at the time of the violation was not
20 more than 3 years older than the victim, the court may, with the
21 consent of the prosecuting attorney, order the individual exempt
22 from registering under this act as provided in this section.

23 (3) In determining whether to order the individual exempt
24 from registering under this act, the court shall consider all of
25 the following:

26 (a) The individual's age and level of maturity at the time of
27 the offense.

1 (b) The victim's age and level of maturity at the time of the
2 offense.

3 (c) The nature and severity of the offense, including whether
4 the victim consented to the sexual conduct.

5 (d) The individual's prior juvenile history.

6 (e) The individual's likelihood to engage in further criminal
7 sexual acts.

8 (f) Any written impact statement submitted by the victim
9 under the crime victim's rights act, 1985 PA 87, MCL 780.751 to
10 780.834.

11 (g) Any other information considered relevant by the court.

12 (4) The court shall not order the individual exempt from
13 registering under this act if the individual was previously
14 convicted of a listed offense for which registration is required
15 under this act or if the court determines the individual is
16 likely to engage in further criminal sexual acts.

17 (5) The court may order the department not to place an
18 individual on the public registry during the period in which the
19 court is considering whether to exempt the individual from
20 registering under this act. An order issued under this section
21 expires 30 days after the date it is issued or as provided by the
22 court, whichever occurs first.

23 Sec. 8d. (1) If an individual was convicted of a listed
24 offense described in subsection (2) before January 1, 2004, the
25 individual may petition the court for an order exempting him or
26 her from further registration under this act. The individual
27 shall provide a copy of the petition to the prosecuting attorney

1 not less than 30 days before a hearing is held on the petition.

2 (2) Subsection (1) applies to both of the following:

3 (a) An offense described in section 8c.

4 (b) An offense for which the individual was assigned to
5 youthful trainee status under sections 11 to 15 of chapter II of
6 the code of criminal procedure, 1927 PA 175, MCL 762.11 to
7 762.15.

8 (3) In making its determination of whether to order the
9 individual exempt from registering under this section, the court
10 shall consider all of the factors set forth in section 8c(3).

11 (4) In response to a petition filed under subsection (1), the
12 court shall not order the individual exempt from registering
13 under this act if the individual was convicted of a listed
14 offense for which registration is required under this act during
15 or after the period in which he or she was assigned to youthful
16 trainee status, or if the court determines the individual is
17 likely to engage in further criminal sexual acts.

18 (5) If an individual properly petitions the court under
19 subsection (1) and the court determines the individual meets the
20 requirements of this section, the court may, with the consent of
21 the prosecuting attorney, issue an order exempting the individual
22 from further registration under this act and ordering the
23 department to remove the individual's registration information
24 from the law enforcement registry under section 5 and the public
25 registry under section 8.

26 (6) Not more than 3 petitions for exemptions shall be filed
27 by an individual under this section, and not more than 1 petition

1 shall be filed within a 2-year period.

2 (7) If the court orders an individual exempt from
3 registration under section 8c or 8d or orders registration stayed
4 pending the court's determination, the court shall promptly
5 provide a copy of that order to the department and to the
6 individual.

7 (8) If the department is provided with an order under
8 subsection (7) staying registration, the department shall not
9 enter the individual's registration in the database until ordered
10 to do so by the court or until expiration of the order. If the
11 department is provided with an order under subsection (7)
12 exempting the individual from registration, the department shall
13 not enter the individual's registration information in the
14 database or, if the person is registered, shall promptly remove
15 that registration information from the database.

16 Sec. 9. (1) Except as provided in subsections (2) and (3),
17 an individual required to be registered under this act who
18 willfully violates this act is guilty of a felony punishable as
19 follows:

20 (a) If the individual has no prior convictions for a
21 violation of this act, other than a failure to comply with
22 section 5a, by imprisonment for not more than 4 years or a fine
23 of not more than \$2,000.00, or both.

24 (b) If the individual has 1 prior conviction for a violation
25 of this act, other than a failure to comply with section 5a, by
26 imprisonment for not more than 7 years or a fine of not more than
27 \$5,000.00, or both.

1 (c) If the individual has 2 or more prior convictions for
2 violations of this act, other than a failure to comply with
3 section 5a, by imprisonment for not more than 10 years or a fine
4 of not more than \$10,000.00, or both.

5 (2) An individual who fails to comply with section 5a is
6 guilty of a misdemeanor punishable by imprisonment for not more
7 than 93 days or a fine of not more than \$1,000.00, or both.

8 (3) An individual who willfully fails to sign a registration,
9 notice, or verification as provided in section 7(4) is guilty of
10 a misdemeanor punishable by imprisonment for not more than 93
11 days or a fine of not more than \$1,000.00, or both.

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

14 (5) The court shall revoke the youthful trainee status of an
15 individual assigned to youthful trainee status **before January 1,**
16 **2004** who willfully violates this act.

17 (6) The parole board shall rescind the parole of an
18 individual released on parole who willfully violates this act.

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

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

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

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

25 Enacting section 1. This amendatory act takes effect
26 January 1, 2004.

27 Enacting section 2. This amendatory act does not take

1 effect unless House Bill No. 5240 of the 92nd Legislature is
2 enacted into law.